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THE POLITICS OF USURY IN *TRECENTO* FLORENCE:  
THE *QUESTIO DE MONTE*  
OF FRANCESCO DA EMPOLI\*

Lawrin Armstrong

BEGINNING in the middle of the fourteenth century, the public debts of Florence, Genoa, and Venice became the subject of intense controversy. In contrast to recent debates over public debt and deficits, the medieval dispute did not question the reliance of governments on loans to supplement other revenues. It focused instead on whether the interest paid to public creditors violated the ban on usury, which law and theology defined as any increment on the principal of a loan.<sup>1</sup> In Florence, controversy over the *monte comune*, the

\* The research for this article was supported by a fellowship from the SSHRC Small Research Grants programme of Simon Fraser University. I wish to thank the Biblioteca Medicea Laurenziana for permission to consult the manuscript of the *Questio de monte* on which this edition is based, and Julius Kirshner, University of Chicago, who first suggested the project and provided me with photographic copies of the extant manuscripts of the text. I would also like to thank John H. Munro and A. George Rigg, Centre for Medieval Studies, University of Toronto, and the anonymous referees for their helpful comments on draft versions of this article.

<sup>1</sup> The only comprehensive study of the debt controversy is Julius Kirshner, "From Usury to Public Finance: The Ecclesiastical Controversy over the Public Debts of Florence, Genoa and Venice (1300–1500)" (Ph.D. diss., Columbia University, 1970). Kirshner has published much of this research in "Reading Bernardino's Sermon on the Public Debt," in *Atti del simposio internazionale cateriniano-bernardiniano, Siena, 17–20 Aprile 1980*, ed. Domenico Maffei and Paolo Nardi (Siena, 1982), 547–622, and in the articles cited below. See also John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge, Mass., 1957), 121–28, 294–310; and Amleto Spicciati, *Capitale e interesse tra mercatura e povertà nei teologi e canonisti dei secoli XIII–XV* (Rome, 1990), 97–111. The usury prohibition is the subject of an extensive literature. For a concise survey with bibliography, see J. Gilchrist, *The Church and Economic Activity in the Middle Ages* (London and Toronto, 1969), 62–70. Noonan's *Scholastic Analysis of Usury* remains the only general account but should now be supplemented by the work of Spicciati and Kirshner. The fundamental study of the canonical doctrine is T. P. McLaughlin, "The Teaching of the Canonists on Usury (XII, XIII and XIV Centuries)," *Mediaeval Studies* 1 (1939): 81–147; 2 (1940): 1–22. Odd Langholm surveys theological analyses of usury in two recent studies: *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury According to the Paris Theological Tradition, 1200–1350*, *Studien und Texte zur Geistesgeschichte des Mittelalters* 29 (Leiden, 1992); and *The Aristotelian Analysis of Usury* (Bergen, Oslo, Stavanger, and Tromsø, 1984).

communal “debt mountain,” erupted in 1353 with the *Questio de monte* of the Franciscan master Francesco da Empoli († 1370).<sup>2</sup> Francesco’s *questio*, edited below for the first time, is notable as the earliest known example of a succession of *consilia*, treatises, and sermons dedicated exclusively to the moral and legal problems posed by the debt.<sup>3</sup> Although the *questio* reflected the socio-political conditions of mid-*trecento* Florence, Francesco’s formulation of the basic conceptual issues and his favorable verdict on the *monte* continued to influence the debate well into the fifteenth century, long after the circumstances under which he wrote had changed.

When Francesco composed his *questio* the *monte comune* was still a novelty. Since the thirteenth century, Florence had resorted to a combination of voluntary and compulsory loans (*prestanze*) from citizens to augment gabelles and consumption taxes, especially in times of war. Lenders were compensated by eight to fifteen per cent interest for the duration of the loan; and at the end of the term, the principal was repaid in full in a lump sum.<sup>4</sup> In the early 1340s, however, a disastrous war with Pisa and the failure of several banking houses that were among the commune’s biggest creditors left the government on the

<sup>2</sup> This article complements Kirshner’s treatment of the earliest phase of the Florentine controversy and Francesco’s role in it in “Storm over the *Monte Comune*: Genesis of the Moral Controversy over the Public Debt of Florence,” *Archivum Fratrum Praedicatorum* 53 (1983): 219–76. See also idem, “Ubi est ille?: Franco Sacchetti on the Monte Comune of Florence,” *Speculum* 59 (1984): 556–84; and Spicciati, *Capitale e interesse*, 103–6.

<sup>3</sup> Several have been edited. See Julius Kirshner, “Conscience and Public Finance: A *Questio disputata* of John of Legnano on the Public Debt of Genoa,” in *Philosophy and Humanism: Renaissance Essays in Honor of Paul Oskar Kristeller*, ed. Edward P. Mahoney (Leiden, 1976), 434–53; idem, “The Moral Theology of Public Finance: A Study and Edition of Nicholas de Anglia’s *Quaestio disputata* on the Public Debt of Venice,” *Archivum Fratrum Praedicatorum* 40 (1970): 47–72; and idem, “Reading Bernardino’s Sermon,” 593–609 (Guglielmo Centueri’s critique of the debts of Florence, Genoa, and Venice). For texts relating to the Florentine controversy in particular, see Kirshner’s edition of Pietro degli Strozzi’s response to Francesco da Empoli in “Storm over the *Monte*,” 258–76; Bernardino of Siena, “*Sermo XLI*,” in *Opera omnia*, vol. 4 (Quaracchi, 1956), 307–46; Edoardo Fumagalli, “I trattati di fra Santi Rucellai,” *Aevum* 51 (1977): 289–332; and my edition of the treatise of the lay canonist Lorenzo Ridolfi (1362–1443), “The *Tractatus de materia montis* of Lorenzo Ridolfi: Edited from Florence, Biblioteca Nazionale Centrale, Fondo Principale II, III, 366” (Ph.D. diss., University of Toronto, 1996). I am currently preparing this text for publication. Earlier writers who commented on public debts did so in the context of general discussions of usury; see nn. 28 and 39 below.

<sup>4</sup> On loans and rates prior to 1345, see Bernardino Barbadoro, *Le finanze della repubblica fiorentina: Imposta diretta e debito pubblico fino all’istituzione del Monte* (Florence, 1929), 515–628; and Charles M. de la Roncière, “Indirect Taxes or ‘Gabelles’ at Florence in the Fourteenth Century: The Evolution of Tariffs and Problems of Collection,” trans. Janet Sondheimer in *Florentine Studies: Politics and Society in Renaissance Florence*, ed. Nicolai Rubinstein (London, 1968), 140–92.

verge of bankruptcy.<sup>5</sup> Between 1343 and 1345 the commune averted fiscal chaos by establishing a central account, the *monte comune*, that represented a consolidation of some 600,000 florins in outstanding debts. Redemption of the loans was postponed indefinitely, but creditors were guaranteed an annual interest rate of five per cent from gabelle revenues and permitted to recoup a portion of their losses by selling the rights (*iura*) to their credits (*credita*) in a government-endorsed market.<sup>6</sup> No certificates were issued: credits, interest payments, and transfers of title were recorded by *monte* officials in a series of registers that had probative status in establishing creditors' claims against the commune.<sup>7</sup>

The low rate of compensation, the commune's admission that it was unable to redeem the loans, and a lack of public confidence in its ability even to meet interest payments immediately resulted in a collapse in the debt market. In the rush to sell, credits lost seventy to seventy-five per cent of their face value.<sup>8</sup> Despite the risk, discounted credits attracted buyers. Because interest continued to be calculated on the face value of credits, investors could expect a real interest rate of fifteen to twenty per cent, and the *monte* records testify to the emergence of a new category of speculators who accumulated formidable credit holdings.<sup>9</sup> By 1347, for example, one Piero di Vannozzo Baroni had become

<sup>5</sup> See Gene A. Brucker, *Florentine Politics and Society, 1343–1378* (Princeton, 1962), 7; and Carlo M. Cipolla, *The Monetary Policy of Fourteenth-Century Florence* (Berkeley, 1982), 6–9. For a recent assessment of the roots of the crisis based on a study of one of the most powerful banking houses, see Edwin S. Hunt, *The Medieval Super-companies: A Study of the Peruzzi Company of Florence* (Cambridge and New York, 1994), 184–242.

<sup>6</sup> See Barbadoro, *Le finanze della repubblica fiorentina*, 636–52. On the earliest phase of the *monte*'s history, see Marvin B. Becker, *Florence in Transition*, 2 vols. (Baltimore, 1967), 2:151–200; Richard C. Trexler, "Florence, by the grace of the Lord Pope . . .," *Studies in Medieval and Renaissance History* 9 (1972): 117–215; and the essays of Roberto Barducci: "Politica e speculazione finanziaria a Firenze dopo la crisi del primo Trecento (1343–1358)," *Archivio storico italiano* 137 (1979): 177–219; and "‘. . . Cum parva difficultate civium predictorum . . .’: Spunti introduttivi per un regesto della legislazione finanziaria fiorentina del Trecento (1345–1358)," in *Renaissance Studies in Honor of Craig Hugh Smyth*, ed. Andrew Morrogh et al., 2 vols. (Florence, 1985), 1:3–15.

<sup>7</sup> See Julius Kirshner, "Encumbering Private Claims to Public Debt in Renaissance Florence," in *The Growth of the Bank as Institution and the Development of Money-Business Law*, ed. Vito Piergiorganni (Berlin, 1993), 20. On the legal concepts underlying transferability of credits, see *ibid.*, 25–32. On the origins of negotiable credit instruments in general, see John H. Munro, "The International Law Merchant and the Evolution of Negotiable Credit in Late-Medieval England and the Low Countries," in *Banchi pubblici, banchi privati e monti di pietà nell'Europa preindustriale: Amministrazione, tecniche operative e ruoli economici*, Atti della società ligure di storia patria, n.s., 31, fasc. 1 (Genoa, 1991), 49–80.

<sup>8</sup> See Brucker, *Florentine Politics*, 19; and Kirshner, "Storm over the *Monte*," 223.

<sup>9</sup> See Barducci, "Politica e speculazione," 202–17.

the biggest communal creditor in Santo Spirito quarter by buying credits with a face value of some 16,000 florins from 150 creditors.<sup>10</sup> By the early 1350s interest derived from *monte* credits represented an important source of income for hundreds of Florentine citizens and, as a result of bequests, for several religious and charitable corporations.<sup>11</sup>

It was the growth of speculation that provoked the Florentine controversy. Matteo Villani († 1363), who was employed throughout the 1350s as a scribe to the *monte* officials, was a well-placed observer of events.<sup>12</sup> In his chronicle of 1353–54 he reported,

Many questions arose: whether the purchase [of credits] was licit without making restitution; also, whether buyers could make purchases in order to have the profits which the commune had assigned to its creditors; and whether a hundred florins lent to the commune by the original creditor could be purchased for twenty-five florins or more or less according to their value in the market. The opinions of the theologians and legists in many disputations were varied: one held that the contract was illicit and required restitution, the other not; and the friars preached about it in diverse ways: those of the order of Saint Dominic say that it cannot be made licitly and the Augustinians agree with them; and the Franciscans preach that it can be made licitly.<sup>13</sup>

According to Villani, the chief protagonists were the leading mendicant masters in Florence, the Dominican Piero degli Strozzi (1293–1362) and Francesco da Empoli of the Franciscans. Few details of Francesco's biography have been preserved.<sup>14</sup> He first appears in the records of his order in the mid-1340s as a lecturer on the *Sentences* at Oxford,<sup>15</sup> where, according to the Fran-

<sup>10</sup> Ibid., 205. For other examples of speculation in the first years of the *monte*'s existence, see *ibid.*, 202–17; and Kirshner, "Storm over the *Monte*," 223–25.

<sup>11</sup> See Kirshner, "From Usury to Public Finance," 32–34, and "Reading Bernardino's Sermon," 584. On credits held by the confraternity of Orsanmichele in this period, see John Henderson, *Piety and Charity in Late Medieval Florence* (Chicago, 1994), 185–90, 212–15.

<sup>12</sup> Becker, *Florence in Transition* 2:169.

<sup>13</sup> *Cronica di Matteo e Filippo Villani* 3.106, ed. I. Moutier, 6 vols. (Florence, 1825–26), 2:142–43; trans. Kirshner in "Franco Sacchetti," 558. Unless otherwise indicated, translations are my own.

<sup>14</sup> He was also known as Francesco di San Simone da Pisa. For a synopsis of his career and writings, and for bibliography, see J. Kirshner "Francesco da Empoli," in *Dizionario biografico degli Italiani* 49 (Rome, 1997).

<sup>15</sup> Cesare Cenci, *Fr. Guglielmo Centucri da Cremona: Trattato "De iure monarchiae"* (Verona, 1967), 14–15 n. 11; A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, vol. 3 (Oxford, 1959), 1641, s.v. "S. Simone, Francesco da"; and A. G. Little, "Oxford and the Ordinations of Benedict XII," *Archivum Franciscanum Historicum* 31 (1938): 207–8.

ciscan chronicler Bartolomeo da Pisa, he was admitted Master of Theology sometime before 1350.<sup>16</sup> In 1347 he was vicar of the convent of Santa Croce in Florence, and from 1360 to 1367 he was provincial minister of the Franciscan province of Tuscany.<sup>17</sup> Despite Francesco's modest achievements as a theologian,<sup>18</sup> contemporaries held him in high regard for his learning: in 1359 he was elected to a chair of theology in the Florentine *studium*,<sup>19</sup> and after his death in 1370 Franco Sacchetti dedicated a sonnet to commemorating his eloquence as a preacher.<sup>20</sup>

The text of Francesco's *questio* confirms that the central issue in the debate was not the interest offered to the original *monte* shareholders or to compulsory creditors of the commune (*prestanziati*). Referring to the original creditor as "Peter," Francesco observed that

the first question is whether Peter can receive five per cent a year because he was compelled to lend. On this point it must be held that without doubt he can, since by reason of compensation (*interesse*) one may licitly accept something in addition to the principal in the proposed case (7–10).<sup>21</sup>

Although Francesco disposed of this issue summarily, his emphasis on the compulsory nature of *prestanze* and use of the term *interesse* were significant.<sup>22</sup> All writers on usury agreed that a lender might demand *interesse* for damages arising from a borrower's failure to repay on time, and the com-

<sup>16</sup> Bartholomeus de Pisa, *De conformitate vitae beati Francisci ad vitam Domini Iesu* in *Analecta Franciscana*, vol. 4 (Quaracchi, 1906), 340; Michael Bihl, "Ordinationes Fr. Bernardi de Guasconibus ministri provincialis Thusciae pro bibliotheca conventus S. Crucis, Florentiae, an. 1356–1367," *Archivum Franciscanum Historicum* 26 (1933): 147–48; and Cenci, *Fr. Guglielmo Centueri*, 14–15 n. 11.

<sup>17</sup> Cenci, *Fr. Guglielmo Centueri*, 14–15 n. 11.

<sup>18</sup> Apart from the *Questio de monte*, the only other writing that survives is a *quaestio disputata* on divine omnipotence from the Oxford period, edited by Joseph Lechner in "Kleine Beiträge zur Geschichte des englischen Franziskaner-Schrifttums im Mittelalter," *Philosophisches Jahrbuch der Görresgesellschaft* 53 (1940): 379–82.

<sup>19</sup> Alessandro Gherardi, ed., *Statuti della Università e Studio fiorentino dell'anno MCCCCLXXXVII* (Florence, 1881), 293–94.

<sup>20</sup> *Il libro delle rime*, ed. Alberto Chiari, Scrittori d'Italia 157 (Bari, 1936), 113–14. Sacchetti also lamented Francesco's failure to pronounce on the morality of several innovations in the *monte* system before his death in *sposizione* 35 of his *Sposizioni di Vangeli*, ed. Alberto Chiari, Scrittori d'Italia 166 (Bari, 1938), 224–28. For a historical critique of this text, see Kirshner, "Franco Sacchetti."

<sup>21</sup> References are to the line numbers in the edition below.

<sup>22</sup> Since the substantive *interesse* does not correspond in meaning to the modern term "interest," I leave it untranslated in my presentation of Francesco's theses. For a discussion, see the note on vocabulary, pp. 26–27 below.

mune's status as a debtor in perpetual default presumably justified payments under this head.<sup>23</sup> Francesco, however, seems to have been invoking the more controversial compensatory titles of damages incurred (*damnum emergens*) or profits foregone (*lucrum cessans*) through lending. *Damnum emergens* extended the concept of *interesse* to include payment of an indemnity from the beginning of the loan to a creditor who was materially damaged by lending.<sup>24</sup> The Franciscan Astesanus († 1330), who was among the first theologians to approve the title, had deployed it in a discussion of public loans in his influential manual for confessors.<sup>25</sup> Astesanus's emphasis on the compulsory nature of such loans may have influenced Francesco's assessment of Peter's claim, as well as his frequent characterization of the five per cent received by *prestanziati* as "an approximation of the damages" (*dampni extimatio*) they sustained through their obligations to the commune.

Francesco's description of the principal of *prestanze* as *capitale*—a term usually applied to money intended for licit commercial investment—suggests that he may also have conceived of *interesse* as compensation for profits foregone by creditors.<sup>26</sup> The case for *lucrum cessans* was first made by the canonist Hostiensis († 1271), who restricted its application to merchants who would otherwise have invested the money in trade.<sup>27</sup> Although most writers on usury

<sup>23</sup> See McLaughlin, "Teaching of the Canonists," 1:139–43; and Noonan, *Scholastic Analysis of Usury*, 105–12.

<sup>24</sup> See McLaughlin, "Teaching of the Canonists," 1:144–47; and Noonan, *Scholastic Analysis of Usury*, 115–21. The standard example was that of a creditor who was obliged to borrow in order to make the loan. The title was generally admitted by canonists, but rejected by most theologians, including Thomas Aquinas († 1274) and John Duns Scotus († 1308); see Langholm, *Economics in the Medieval Schools*, 245–46, 417. Notable exceptions included the Franciscans Peter John Olivi († 1298) and Gerald Odonis († 1348) (*ibid.*, 370, 526).

<sup>25</sup> Astesanus, *Summa de casibus* 3.11.5 (Venice, 1478), unfoliated. For discussions, see Noonan, *Scholastic Analysis of Usury*, 120; and Kirshner, "Conscience and Public Finance," 441–42.

<sup>26</sup> On Francesco's terms for the principal, see the note on vocabulary, p. 26 below. That Francesco approved the title *lucrum cessans* is implied by the Dominican Domenico Pantaleoni († 1376), a disciple of Piero degli Strozzi, in a tract composed in response to Francesco's *questio* sometime between 1362 and 1376; see Kirshner, "Storm over the *Monte*," 247–56; and Spicciiani, *Capitale e interesse*, 106–9. In the fifteenth century Pantaleoni's tract was attributed to the Siennese canonist Federicus Petruccius (fl. 1322–43); for the correct attribution and on the relationship of the text to the Florentine controversy, see Julius Kirshner, "A Note on the Authorship of Domenico Pantaleoni's Tract on the *Monte Comune* of Florence," *Archivum Fratrum Praedicatorum* 43 (1973): 73–81.

<sup>27</sup> Hostiensis (Henricus de Segusio), *In Decretalium libros commentaria*, ad X 5.19.16 *Salubriter*, n.3 (Venice, 1581; rpt. Turin, 1965), vol. 5, fol. 59rb–va. For discussions of *lucrum cessans*, see Spicciiani, *Capitale e interesse*, 27–48; McLaughlin, "Teaching of the Canonists," 1:144–47; and Noonan, *Scholastic Analysis of Usury*, 115–28.

followed Innocent IV († 1254) and Thomas Aquinas in rejecting the title, it was adopted at the end of the thirteenth century by the Franciscans Peter John Olivi and John of Erfurt († ca. 1340) in defence of compulsory state creditors.<sup>28</sup> Francesco's approach contrasted with that of his antagonist Piero degli Strozzi, who also regarded payments as licit but classified them more conventionally as gifts (*dona*) offered by a grateful government in recognition of creditors' generosity and self-sacrifice.<sup>29</sup>

As Villani attested, the focus of the controversy was the market in credits and the questions it raised: Could credits be sold licitly? If so, could buyers accept the *interesse* promised to the sellers without committing usury? Were the high profits from discounted shares legitimate? Francesco's affirmative response to each question rested on his analysis of the juridical relationship between "Peter," the original creditor, "John," the purchaser of a *monte* credit, and the commune. In the introductory *casus* (2–6) Francesco observed that Peter was compelled to lend a hundred florins to the commune, which promised *interesse* at a rate of five per cent a year until it was able to repay the principal in full. John subsequently bought Peter's right (*ius*) to principal and *interesse*

<sup>28</sup> On Innocent IV's opinion, see Spicciiani, *Capitale e interesse*, 35. Thomas objected that a creditor "cannot sell [a profit that] he does not yet have and may in many ways be prevented from having" ("non debet vendere id quod nondum habet et potest impediri multipliciter ab habendo," *ST* 2-2.78.2 [Leonine edition 9:159]). Olivi approved *lucrum cessans* in *Quodlibet* 1, qq.16–17 (ed. Spicciiani, *Capitale e interesse*, 244–49) and in his treatise on usury, edited by Giacomo Todeschini in *Un trattato di economia politica francescana: Il "De emptionibus et venditionibus, de usuris, de restitutionibus" di Pietro di Giovanni Olivi* (Rome, 1980), 73, 84–85 (but see the alternative readings in Julius Kirshner and Kimberly Lo Prete, "Peter John Olivi's Treatises on Contracts of Sale, Usury and Restitution: Minorite Economics or Minor Works?" *Quaderni fiorentini per la storia del pensiero giuridico moderno* 13 [1984]: 236–42). The last passage contains Olivi's analysis of public loans. Since Olivi's works were proscribed following the condemnation of the Spiritual Franciscans in 1326, it is impossible to know whether they were Francesco's source for an allegation of *lucrum cessans* here. A more likely source was John of Erfurt: see the extract from his unedited *Tabula iuris* in Kirshner, "Storm over the *Monte*," 230 n. 41; and Norbert Brieskorn, ed., *Die Summa Confessorum des Johannes von Erfurt*, 3 parts (Frankfurt am Main, 1980–81), 3:1232. Franciscan opinion was not unanimous: in his treatise on usury, Alexander Lombard († 1314) cited Thomas's rejection of *lucrum cessans* in his critique of Genoese forced loans (ed. A.-M. Hamelin, *Un traité de morale économique au XIV<sup>e</sup> siècle: Le "Tractatus de usuris" de maître Alexandre d'Alexandrie*, *Analecta mediaevalia Namurcensia* 14 [Louvain, Montreal, and Lille, 1962], 174). For a discussion, see Kirshner, "Conscience and Public Finance," 438–41.

<sup>29</sup> In this Strozzi was followed by Domenico Pantaleoni; see Kirshner, "Storm over the *Monte*," 239–40, 259; and Spicciiani, *Capitale e interesse*, 107. The notion that a borrower was bound by a debt of gratitude to his creditor derived from civil law and provided an uncontroversial title to payment beyond the principal, provided the gift did not constitute the creditor's primary motivation for lending; see McLaughlin, "Teaching of the Canonists," 1:143; and Noonan, *Scholastic Analysis of Usury*, 104–5.



for twenty-five florins. Francesco's basic contention was that the second transaction was licit because the contractual relationships it created between John and Peter and between John and the commune could not be classified as loans (*mutua*). Since usury could be committed only in loan contracts, the agreement was licit from the perspective of both divine and human law (11–18, 40–45).

In response to the argument that John's purchase was in effect a loan to the commune under another name, Francesco was able to adduce the legal definition of a *mutuum* as a loan of fungibles, that is, things whose use cannot be separated from their consumption, such as oil, grain, or money. Because of this characteristic, the debtor acquired ownership of the principal, of which he was obliged to return the equivalent.<sup>30</sup> "A loan," Francesco explained,

is not created except when what is mine becomes yours, because it is a consensual obligation contracted by the delivery of a thing (*obligatio que re contrahitur*). But when [John] gives money to the seller, he gives nothing to the commune nor does the commune become owner of anything of his. A loan only exists when something of mine, of which an equivalent amount of the same quality must be returned to me, becomes yours (45–50).

Indeed, Francesco argued, the contract between John and Peter could be made even without the knowledge or consent of the commune (50–51). In Francesco's view, the real effect of the contract was that the purchaser acquired "the advantage and utility of the credit" and the exercise of the creditor's juridical claims (*actio*) against the commune (52–54). John did not become the creditor of the commune, since it remained obligated as debtor to Peter; John simply bought the right to enforce Peter's claims to principal and *interesse* to his own advantage (54–64, 98–99).

This analysis, however, appeared to be undermined by the existence of communal laws that sanctioned the sale of credits and transferred title from sellers to buyers, who thus became creditors of the commune (65–66, 347–54). Francesco nevertheless denied the commune more than a passive function: it witnessed and recorded an agreement between Peter and John, and confirmed that its obligations to Peter would stand (82–85, 361–73). In fact, Francesco maintained, it was inaccurate to say that the commune legally obligated itself to purchasers at all, since no legislator can make a law that he cannot revoke (66–

<sup>30</sup> *Inst.* 3.14.pr.: "Mutui autem obligatio in his rebus consistit, quae pondere numero mensurave constant, veluti vino oleo frumento pecunia numerata aere argento auro, quas res aut numerando aut metiendo aut pendendo in hoc damus, ut accipientium fiant et quandoque nobis non eadem res, sed aliae eiusdem naturae et qualitatis reddantur. Unde etiam mutuum appellatum sit, quia ita a me tibi datur, ut ex meo tuum fiat." For discussions, see McLaughlin, "Teaching of the Canonists," 1:100–102; and Noonan, *Scholastic Analysis of Usury*, 39–41.

70), while the commune's commitments to the original creditors derived from the nature of the loan contract rather than from its legislation (87–95). For the sake of argument, Francesco allowed that John could be transformed into a true creditor by a process of *nouatio* whereby the obligations arising from the first contract were transferred to him and embodied in a new contract, or by a *delegatio* reassigning to John the commune's original obligations to Peter.<sup>31</sup> Such a hypothesis, however, was unnecessary to account for the contract between Peter and John, which even in the absence of communal statutes met all the conditions of licitness. In Francesco's view, the insistence of the *monte*'s critics on the role of the commune only served to obscure the true character of essentially private market transactions (70–81).

What, then, was the precise nature of the agreement between Peter and John, between the seller and the buyer? According to Francesco, it was a contract of sale (*uenditio*) in which John acquired "the exercise of the seller's legal rights (*actio*) in the seller's name to his own advantage" (98–99).<sup>32</sup> The effect of the sale was complete: it obliged Peter to cede to John all the benefits he enjoyed as a result of his loan to the commune (385–88). In juridical terms, John became Peter's sole procurator in the exercise of an *actio directa* against the commune arising from the original loan contract; and he also obtained an indirect *actio utilis* in his own name that derived from the new conditions created by the sale contract (99–113).<sup>33</sup>

Francesco denied that the contract between Peter and John was a form of concealed usury since, like the relationship between John and the commune, it did not conform to the pattern of a *mutuum*. For example, the price of twenty-five florins that John paid Peter could not be construed as the principal of a loan because it was not repayable (116–23). Nor did the discounted price represent usurious profit, for

that which [Peter] should receive from the commune is subject to a measure of uncertainty as regards both the principal and the *interesse*; for if there were no uncertainty who can imagine that anybody would sell a hundred florins plus *interesse* for twenty-five? But it is clear that there is uncertainty, since I know for a fact that many hesitate to buy solely on account of doubt (127–31).

<sup>31</sup> See the note on vocabulary, p. 27 below.

<sup>32</sup> Francesco's language here is admittedly imprecise, but the text does not support Kirshner's view that Francesco conceived of the contract between Peter and John as *commodatum*, an interpretation that seems to derive from Domenico Pantaleoni's critique ("Storm over the *Monte*," 255). *Commodatum* was a gratuitous loan of a nonfungible, such as a house or a boat, which could be transformed into a rental contract (*locatio*) by imposing a charge for use (cf. *Inst.* 3.14.2; *Dig.* 13.6.5.3–5, 8, 9; and *Inst.* 3.24).

<sup>33</sup> See the note on vocabulary, p. 27 below.

It was an axiom of the canonical analysis of sales that doubt about the future price of goods justified a discount in the present. Francesco was probably responding to criticisms that the sale of *monte* credits resembled credit sales in which either payment or delivery was postponed. The canons condemned such contracts as usurious unless there was real uncertainty about the future value of the good sold.<sup>34</sup> In Francesco's judgement, the market in *monte* credits reflected genuine doubt about their future value, since the commune might refuse or defer payment, or repeal the laws protecting creditors altogether (140–43, 374–82, 392–94).

Francesco argued that a better analogy to the agreement between Peter and John was to be found in maritime insurance. Insurers of goods shipped to, say, Genoa assumed the total risk for a premium of ten to twenty per cent of the value of the cargo (144–47). Similarly, he maintained,

with regard to what you should receive from the commune, I can underwrite your risk by agreeing to accept from you as much as I think necessary to secure you. Likewise in the case in question: because I accept your total risk by giving you twenty-five, if you receive nothing, the loss will be mine, not yours; but if you receive less or more, it will all be mine (147–52).

On the same principle, by assuming the risk for a percentage of the debt plus interest one could licitly secure a creditor against default by a debtor whom he was reluctant to sue, for example, on account of the debtor's power or status (153–60). Indeed, since communal creditors were unable to compel reimbursement of their loans or even payment of interest, they found themselves in a position similar to that of Francesco's hypothetical lender.

Francesco rehearsed several other formal objections based on the usury prohibition: John was owed something beyond the principal of a loan; the contract involved the illicit sale of time; discounted prices violated the rules on just pricing; the contract unnaturally generated money from money. In Francesco's opinion, the first objection involved a misunderstanding of the purchase. While Peter could sell the components of his credit individually (the principal alone without the interest; the interest without the principal) or, as was usually the case, jointly, whatever John bought acceded to him as a single thing. In a typical sale, then, the right to principal and *interesse* constituted a unit and not a principal sum on which profit accrued, as in a loan (161–83).

<sup>34</sup> X 5.19.6 *In civitate* censured contracts in which the seller charged a premium for delayed payment and X 5.19.19 *Naviganti* agreements embodying a discount for delayed delivery. For discussions, see McLaughlin, "Teaching of the Canonists," 1:117–20; and Noonan, *Scholastic Analysis of Usury*, 91–95.

Usury was often interpreted as an illicit charge for the time that elapsed until the repayment of the loan.<sup>35</sup> But in Francesco's view, profits on *monte* credits represented a premium for risk rather than the sale of time,

since I do not give twenty-five now with the intention of having more later simply through the lapse of time, but rather because of the uncertainty that emerges over time. Therefore if I profit, the profit I receive is licit for me, not by reason of time but because of the risk I assume over time; and therefore the laws say that such profit is the price of risk undertaken over time rather than the price of time itself (170–74).

Risk also determined the price Peter could obtain for his credit. Medieval theorists agreed that the just price of a thing was its legally regulated or current market price.<sup>36</sup> Peter therefore received a just price when he received twenty-five florins because by common estimate (*quantum reputatur minus a probis et sapientibus* [206]) this was the best price he could obtain for his credit on the market at the moment of selling (184–200). The case was analogous, in Francesco's view, to that of a house encumbered by an obligation, which commanded a lower price than one over which the buyer obtained complete control. Peter's share of the debt was similarly encumbered since he was not free to dispose of his hundred florins as he saw fit (201–10, 342–46, 355–60). "The right to a hundred florins," Francesco observed, "and a hundred florins in cash are not the same thing, since one can exist without the other and one is of greater value than the other" (389–91).

The notion that the usurer unnaturally caused money to breed money was a commonplace of scholastic analyses of usury and one that Francesco accepted, adding that not only money but other fungibles were incapable of generating value in themselves.<sup>37</sup> He denied, however, that the principle was applicable to

<sup>35</sup> The argument that usury is the sale of time, which is common to all and therefore non-vendible, first appeared in the writings of Peter the Chanter († 1197) and subsequently became a routine argument against usury (Langholm, *Economics in the Medieval Schools*, 57 n. 78).

<sup>36</sup> See John W. Baldwin, *The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries*, Transactions of the American Philosophical Society, n.s., 49, part 4 (Philadelphia, 1959), 20–21, 28–29, 54; and Langholm, *Economics in the Medieval Schools*, 44–45. In accordance with the Aristotelian doctrine of commutative justice, moral theology insisted that the price paid correspond strictly to the just price (Baldwin, *Medieval Theories*, 68–80). Canon law permitted variations in what was given or received of up to half the just price (*ibid.*, 22–27, 42–46).

<sup>37</sup> Money was characterized as barren in Gratian, D.88 c.11 *palea Eiiciens*, the principal canonical source of the doctrine; for a discussion, see Noonan, *Scholastic Analysis of Usury*, 38–39. A second source was provided by Aristotle, *Politica* 1.9 (1257a–b), where usurers and merchants were condemned for causing money to breed money in violation of its purpose as a medium of exchange; see Langholm, *Economics in the Medieval Schools*, 171, 194–95, and

the purchase of *monte* credits. John's contract with Peter was better compared to the sale of a life annuity (*census*): in return for payment of a hundred florins the buyer was guaranteed five or six florins a year as long as he lived (262–67). There was a consensus among most canonists and many theologians, notably Franciscans, that a *census* was not a loan, since there was no principal to be repaid or to generate interest, but rather a licit sale of a right to income.<sup>38</sup> Francesco's source for this argument was probably Astesanus, who appears to have been the first to draw an analogy between the sale of public debt credits and annuities.<sup>39</sup>

The classification of the agreement between Peter and John as *uenditio* also allowed Francesco to respond to arguments based on the intentions of speculators. Critics observed that Peter's claim to *interesse* derived solely from the compulsory character of *prestanze*; if he had lent freely and accepted compensation he would have been guilty of usury. But John's agreement with Peter had the same effect as a voluntary loan; therefore it must be a form of fraud concealing an illicit desire for usurious profit (212–36). The fact that investors anticipated a profit of "such and such a per cent" (*tantum uel tantum pro centenario* [256]) seemed to confirm this suspicion.

Turning the argument on its head, Francesco maintained that same end might be sought through different contracts, one of which was licit, the other illicit. For example, it was illicit to lend a hundred florins on security of a house worth a hundred florins under the guise of a sale, since the benefit the creditor

*Aristotelian Analysis of Usury*, 55–69. On the sterility of fungibles in general, Francesco may have been reflecting the opinion of the Augustinian Gerard of Siena († 1336), who made a similar argument in his *Tractatus de usuris et de prescriptionibus*, q. 1, art. 2 (Rome, Biblioteca Angelica 625, fol. 211va). For a discussion, see Langholm, *Economics in the Medieval Schools*, 552–60. Gerard's theses were reproduced and popularized by the Bolognese canonist Johannes Andreae († 1348) in a *quaestio* on the rule *Peccatum* of the *Liber Sextus* (Johannes Andreae, *In sextum Decretalium commentaria et in titulum de regulis iuris novella commentaria*, 2 vols. [Venice, 1581; rpt., 2 vols. in 1, Turin, 1963], vol. 2, fol. 63vb).

<sup>38</sup> Noonan, *Scholastic Analysis of Usury*, 154–58. Life annuities were approved by Matthew of Acquasparta († 1302), Richard of Middleton († 1307), Alexander Lombard, and Astesanus (Langholm, *Economics in the Medieval Schools*, 325–27, 339–40, 444–45, 451). For canonical opinions in favour of the contract, see Innocent IV, *Commentaria super libros quinque Decretalium*, ad X 5.19.6 *In civitate*, n.2 (Frankfurt, 1570; rpt. Frankfurt, 1968), fol. 517rb–vb; Oldradus de Ponte, *Consilia seu responsa*, consilium 207 (Frankfurt, 1576), fol. 107ra–vb; Johannes Andreae, *In quinque Decretalium libros novella commentaria*, ad X 5.19.6 *In civitate*, n.2 (Venice, 1581; rpt. Turin, 1963), vol. 5, fol. 74ra; and idem, *Additiones in Speculum iuris* 4.4 *de usuris*, super rubr. (Venice, 1576), fols. 500b–501a.

<sup>39</sup> Kirshner, "Conscience and Public Finance," 442. Astesanus dealt with annuities in his *Summa de casibus* 3.8.11, and he compared shares in the Genoese public debt to *census* at 3.11.5 (edition cited in n. 25 above).

derived from his occupation of the house represented usury.<sup>40</sup> But to sell the same house for a hundred florins on the condition that the buyer resell it to the vendor for this amount at the end of eight years was perfectly licit, since there was no certainty about the future value of the house. Similarly, by buying a *monte* credit John sought the benefit he could obtain through a voluntary loan to the commune but did so by means of a licit contract of purchase (237–54). Nor did the calculation of profit render John a usurer: in a contract of purchase, unlike a loan, such considerations were permissible, “just as any merchant considers [profit] in his commerce” (258). Indeed, in Francesco’s opinion, it was absurd to argue that one who voluntarily entered into a profitable agreement made himself a usurer, since then it would be necessary to classify voluntary heirs (*heredes extranei*) and donees (*donatarii*) as usurers as well (271–74).<sup>41</sup>

Critics advanced two final arguments to show that it was illicit for John to accept *interesse* on Peter’s credit. The first drew an analogy between Peter and a son-in-law who received a pledge of land in place of an unpaid dowry. The canons declared that the expenses of marriage absolved the son-in-law of the obligation to apply the income of the pledge to the extinction of the father-in-law’s debt.<sup>42</sup> But if the son-in-law sold the right to the fruits of the pledge for the equivalent of the dowry, the buyer would not enjoy the same exemption, since the condition that justified it in the son-in-law’s case had ceased to exist. Likewise in the sale of *monte* credits: John could not plead the compulsion that justified Peter’s *interesse* and therefore he had no claim to it (275–84). In Francesco’s opinion, however, the two cases were not similar. The buyer of a dotal pledge acquired the equivalent of his price and a guaranteed return. By contrast, the purchaser of a *monte* credit assumed the risk of never recovering the principal of the seller’s loan and was consequently justified in accepting *interesse* (285–308).

<sup>40</sup> Loans on security were illicit (Noonan, *Scholastic Analysis of Usury*, 34), but Francesco seemed to be referring to X 3.17.5 *Ad nostram*, which described a sale in which the purchaser agreed to resell to the vendor at half the original price in seven to nine years, during which he enjoyed the fruits. Innocent III declared the transaction a loan on security rather than a sale (McLaughlin, “Teaching of the Canonists,” 1:115–17; Noonan, *Scholastic Analysis of Usury*, 95–98).

<sup>41</sup> See the note on vocabulary, p. 27 below.

<sup>42</sup> X 5.19.16 *Salubriter*. On this canon, see McLaughlin, “Teaching of the Canonists,” 1:131–34; and Noonan, *Scholastic Analysis of Usury*, 103–4. On the opinions of the post-glossators, see Arwed Blomeyer, “Aus der Consilienpraxis zum kanonischen Zinsverbot,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung* 66 (1980): 317–35, esp. 327–30. In most cases the canons required that the fruits of pledges be applied to the reduction of the principal owed by the debtor (cf. X 5.19.1 *Plures clericorum*).

It was also argued that Peter could not alienate his right to *interesse* because it reflected the damages he sustained personally as a result of his loan to the commune. Through his agreement with John Peter compensated himself, at least in part, and so extinguished his right to *interesse* (309–18). Francesco observed that even by their own estimate the critics must allow that *interesse* was still payable on seventy-five per cent of the credit, since Peter recovered only a quarter of his damages (332–36). But in fact, he maintained, because Peter did not receive compensation from the debtor (the commune), but from a third party (John), the commune's obligation to pay *interesse* on the full value of the principal was unaffected (327–31). More fundamentally, Francesco objected, his opponents' analysis undermined the principle of equality in exchange because it implied that the buyer did not receive the equivalent of the purchase price or that the sale somehow destroyed the thing sold, which was absurd (319–26). Reverting to the analogy of maritime insurance, Francesco insisted that the sale embraced the sum of Peter's future risk and rights and not some fraction of them (337–41).

Francesco concluded his *questio* by recapitulating the main points to be considered in assessing the legitimacy of the market in *monte* credits (383–95). The first was the nature of the contract: it was not a loan but a sale in which the buyer did not replace the seller as the commune's creditor but became owner of the seller's claim to principal and *interesse*. The second was the price, which reflected the difference between title to money and money itself, as well as the risk that the buyer assumed of never recovering either principal or *interesse*.

Francesco's propositions were contested by Piero degli Strozzi, who maintained that the sale of credits was illicit on two counts: first because Peter could not alienate *interesse*, which was in fact a gift, not a right; and secondly because experience and communal administrative practice confirmed that John replaced Peter as the commune's creditor.<sup>43</sup> But in Villani's judgement the Franciscan master had the better of the debate, because

master Piero says that it is not a licit contract and preached about it without offering clear arguments. On the other hand, master Francesco, who with great care and complete clarity had already participated in many disputations on this with other masters in theology and doctors of law and of the decretals, held and preached and wrote that [this contract] was licit and without the obligation to make restitution, and that those who undertook such a contract could do so without acting against the dictates of their conscience. The reason why he wrote

<sup>43</sup> For a detailed analysis of Strozzi's arguments and those of Domenico Pantaleoni, see Kirshner, "Storm over the *Monte*," 247–56; and Spicciani, *Capitale e interesse*, 106–9.

with such complete command is that he was prepared to uphold what he preached and wrote.<sup>44</sup>

The chronicler faulted the Dominican master for condemning the market in credits without offering an adequate response to Francesco. The result, according to Villani, was that some citizens remained in doubt, while others

were in evident agreement with the arguments of master Francesco, and thus without pangs of conscience they sold and bought [credits], trading with one another as they would merchandise. If the contract is able to be proven usurious, those who preach have an obligation to lead people away from error by reproving those who defend a contrary position. If the contract can be made licitly, considering that men are eager for profit, it is evil to cast suspicion upon them through preaching which lacks prudence and to defile the consciences of those who act lawfully.<sup>45</sup>

What characteristics of Francesco's apology for the *monte* made it so persuasive to Villani and many other Florentines? A possible explanation is suggested by recent studies that identify a distinctly Franciscan discourse that privileged economic innovation. In this view, the Franciscan emphasis on the freedom of the will facilitated novel market transactions and new modes of acquiring and transferring private property.<sup>46</sup> It has also been argued that the economic writings of Peter John Olivi introduced into the Franciscan tradition a new, essentially lay ideology that conceived of social relations in market terms.<sup>47</sup> Francesco, then, was not simply borrowing elements of his analysis from earlier Franciscan writers but expressing a tradition characterized by its accommodation of the commercial and fiscal novelties of cities like Florence.

<sup>44</sup> *Cronica* 3.106, ed. Moutier, 2:143; trans. Kirshner in "Franco Sacchetti," 559.

<sup>45</sup> Ibid.

<sup>46</sup> Paolo Grossi, "*Usus facti*: La notizione di proprietà nella inaugurazione dell'età nuova," in *Il dominio e le cose: Percezioni medievali e moderni dei diritti reali*, Biblioteca per la storia del pensiero giuridico moderno 41 (Milan, 1992), 123–89.

<sup>47</sup> See Todeschini, *Un trattato di economia politica francescana*, 1–47; and Todeschini's two methodological essays, "*Oeconomica Franciscana*: Proposte di una nuova lettura delle fonti dell'etica economica medievale," *Rivista di storia e letteratura religiosa* 12 (1976): 15–77, and "*Oeconomica Franciscana* II: Pietro di Giovanni Olivi come fonte per la storia dell'etica-economica medievale," *ibid.* 13 (1977): 461–94. For a critique of Todeschini's reading of Olivi, see Kirshner and Lo Prete, "Peter John Olivi's Treatises," 242–86. An orthodox assessment of Olivi's status in the history of economic theory is provided by Spicciari, *Capitale e interesse*, 85–96. For the reasons mentioned above in n. 28, claims about Olivi's influence on later Franciscans are impossible to substantiate: all that can be said with confidence is that his ideas influenced the economic writings of Bernardino of Siena (1380–1444); see Dionisio Pacetti, "Un trattato sulle usure e le restituzioni di Pietro di Giovanni Olivi falsamente attribuito a fr. Gerardo da Siena," *Archivum Franciscanum Historicum* 46 (1953): 448–57.



Such a reading has much to recommend it: it explains why Francesco found a sympathetic audience among contemporary Florentines and conveniently accounts not only for his endorsement of the market in *monte* credits but also for his ready appeal to mercantile practice and to innovations like maritime insurance.<sup>48</sup>

We have no other evidence that Francesco studied canon law, but he lays claim in the *questio* to canonical expertise (15–18), while the text in general reflects the strong influence of contemporary legal discourse, a characteristic that certainly contributed to its authority among canonists who subsequently treated the debt question.<sup>49</sup> Structurally, the text resembles a juridical *quaestio* or *consilium*, beginning with a summary of the material facts and the standard enquiry of what law is applicable to the case (*queritur quid iuris*), followed by an analysis of arguments for and against *monte* transactions, and a final determination of the problem.<sup>50</sup> Apart from a ritual acknowledgement of Duns Scotus (48–49), most of Francesco's authorities and examples derived from canon law, and throughout the *questio* he employed juridical concepts and reasoning. Moreover, Francesco's conception of communal society as one of freely contracting agents can be explained as easily by reference to legal thought as to the Franciscan economic tradition. In a contemporary treatise on tyranny, for example, the influential civilian jurist Bartolus de Sassoferrato († 1357) argued that what distinguished a free city-state from an illegitimate

<sup>48</sup> Francesco was among the first moralists to discuss the legitimacy of mercantile insurance. For discussions, see Pier Giuseppe Pesce, "La dottrina degli antichi moralisti circa la liceità del contratto di assicurazione," *Assicurazioni* 33 (1966): 42–43; Enrico Spagnesi, "Aspetti dell'assicurazione medievale," in *L'assicurazione in Italia fino all'Unità: Saggi storici in onore di Eugenio Artom* (Milan, 1975), 47–49; and Kirshner, "Storm over the Monte," 244. It is noteworthy, however, that Francesco's opponent Piero degli Strozzi also took for granted the licitness of such insurance (*ibid.*, 268–69).

<sup>49</sup> The frontier between theology and law, of course, was vague, especially in moral questions like usury. For a roughly contemporary Franciscan example, see Eric H. Reiter, "A Treatise on Confession from the Secular/Mendicant Dispute: The *Casus abstracti a iure* of Herman of Saxony, O.F.M.," *Mediaeval Studies* 57 (1995): 1–39. On later writers who invoked Francesco, see pp. 20–24 below.

<sup>50</sup> On the structure and typology of *consilia*, see Mario Ascheri, "Italien: Rechtsprechungssammlungen; Konsiliensammlungen," in *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte* 2, part 2: *Neuere Zeit (1500–1800)*, ed. Helmut Coing (Munich, 1976), 1113–1221; *idem*, "'Consilium sapientis', perizia medica e 'res iudicata': Diritto dei 'dottori' e istituzioni comunali," in *Proceedings of the Fifth International Congress of Medieval Canon Law, Salamanca, 21–25 September 1976*, ed. Stephan Kuttner and Kenneth Pennington (Vatican City, 1980), 533–79; Guido Rossi, *Consilium sapientis iudiciale: Studi e ricerche per la storia del processo romano-canonico* 1: *Secoli XII–XIII*, Seminario giuridico della Università di Bologna 18 (Milan, 1958); and Osvaldo Cavallar, *Francesco Guicciardini giurista: I ricordi degli onorari* (Milan, 1991), 209–55.

tyranny was the liberty of citizens to enter into contracts without fear: agreements between a community and a tyrant or between individual citizens and a tyrant were necessarily void by reason of duress.<sup>51</sup> Piero degli Strozzi was particularly critical of Francesco's contractualist perspective, arguing that the Franciscan's emphasis on legal forms obscured the immoral inner dispositions of *monte* speculators.<sup>52</sup>

The contention of this study, however, is that an interpretation of Francesco's *questio* by appeal to a prevailing Franciscan or juridical ethos will be inadequate unless it also takes into account the underlying social and political dimensions of the *monte* controversy. The Florentine dispute of 1353–54, like current debates about public debts, expressed competing political and class interests.<sup>53</sup> From this perspective, the abstract language of conscience and law employed by Francesco and his critics served not simply to articulate a dominant ideology, as in the above accounts, but also to voice contradictory interpretations of it by contending social groups.<sup>54</sup>

<sup>51</sup> *De tyranno* 7, ed. Diego Quaglioni in *Politica e diritto nel trecento italiano: Il "De tyranno" di Bartolo da Sassoferrato (1314–1357), con l'edizione dei trattati "De Guelphis et Gebellinis," "De regimine civitatis," e "De tyranno"* (Florence, 1983), 188–96. The treatise was composed between 1355 and 1357. I wish to thank Julius Kirshner for pointing out the significance of this text. For a discussion, see Cecil N. S. Woolf, *Bartolus of Sassoferrato: His Position in the History of Medieval Political Thought* (Cambridge, 1913), 164–66.

<sup>52</sup> Strozzi consistently emphasized the intention of the purchaser of credits: "Ultimo superest ut de quinta conclusione tractemus, que habet quod lucrum, quod habent predicti emptores a communitate, eo modo quo habent est illicitum et sapit usuram. Hanc sic probat, quia credere et concedere sortem sub ratione crediti vel capitalis alicui sola spe et intentione lucri habendi est illicitum et sapit usuram. . . . Maior est c. *Consuluit*, de usuris. Minor probatur, spes enim et intentio ad voluntatem pertinent. Illud ergo quod solum movet voluntatem ad predictam concessionem et credentiam sortis et cetera, est speratum, ergo" (ed. Kirshner, "Storm over the *Monte*," 266).

<sup>53</sup> The historiography suggests that polemics over the legitimacy of the *monte* were closely linked to factional struggles and intensified in periods of heightened political tension. See the studies of Becker, Barducci, and Trexler cited in n. 6 above; and Kirshner's "Reading Bernardino's Sermon" and "Franco Sacchetti." For the late fourteenth and early fifteenth century, see Anthony Molho, "The Florentine Oligarchy and the *Balie* of the Late Trecento," *Speculum* 43 (1968): 23–51, and *Florentine Public Finances in the Early Renaissance, 1400–1433* (Cambridge, Mass., 1971). Kirshner considers the tracts of Francesco da Empoli and his Dominican critics to be "political tracts aimed in support or denial of the *Monte Comune*'s legitimacy" ("Storm over the *Monte*," 238; see also 239) but resists a class interpretation of the controversy (see *ibid.*, 232). For a discussion of how current controversies over state debt and deficits relate to a broader political agenda to dismantle the post-war welfare state, see Pierre Bourdieu, "L'essence du néolibéralisme," *Le monde diplomatique* 528 (March 1998), 3.

<sup>54</sup> My approach therefore departs from the accounts of Noonan and Spiccianni, which treat the *monte* dispute from the perspective of doctrinal developments largely undetermined by material factors. I have been influenced in my reading of Florentine politics in this period by

What balance of political and social forces did the controversy reflect? The crisis of 1343 brought to power a popular front composed of artisans and shopkeepers from the fourteen lesser guilds allied with *parvenu* merchants from the greater guilds, the *gente nuova* ("new men"), which displaced the traditional elite of patrician merchant-bankers and aristocratic magnates.<sup>55</sup> Matteo Villani's brother Giovanni spoke for the latter when he portrayed the new regime as a government of "common artisans from the countryside and foreigners, who cared little for the Republic and knew even less how to lead it."<sup>56</sup> The regime's anticlericalism and its willingness to distance itself from traditional Guelph alliances provoked charges of Ghibellinism from the old elite, whose opposition to the new order soon coalesced under the leadership of the powerful Albizzi family.<sup>57</sup>

As the creature of the new regime, the *monte* became an important factor in the struggle for control of the commune. The patrician families, who had suffered the biggest losses in the financial collapse, viewed the *monte* with particular hostility as a mechanism for the enrichment of opportunistic new men. The records bear out their suspicions: new men, whose assets were relatively untouched by the failure of the great companies, emerged as the heaviest investors in the debt market.<sup>58</sup> *Monte* shares liquidated by the traditional giants

John M. Najemy, "The Dialogue of Power in Florentine Politics," in *City-States in Classical Antiquity and Medieval Italy: Athens and Rome, Florence and Venice*, ed. Anthony Molho et al. (Stuttgart, 1991), 269–88

<sup>55</sup> Brucker, *Florentine Politics*, 5–9, 105–16. Brucker defines the *gente nuova* as those whose families were not represented in the priorate before 1343 (*ibid.*, 21). For general discussions of this group, see *ibid.*, 40–45; and Marvin B. Becker, "An Essay on the *Novi Cives* and Florentine Politics, 1343–1382," *Mediaeval Studies* 24 (1962): 35–82.

<sup>56</sup> Giovanni Villani, *Nuovo Cronica* 13.43, ed. Giuseppe Porta, 3 vols. (Parma, 1990–91), 3:398–99: "... i più delle XXI capitadini dell'arti, per li quali allora si reggea il Comune, erano artefici minuti veniticci di contado e forestieri, a ccui poco dee calere della repubblica, e peggio saperla guidare." Villani's portrayal of the regime as significantly more popular in its composition than the one it replaced has been contested by Marvin B. Becker and Gene A. Brucker, "The *Arti Minori* in Florentine Politics, 1342–1378," *Mediaeval Studies* 18 (1956): 96–97; but see John M. Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280–1400* (Chapel Hill, N.C., 1982), 126–65, esp. 147–52, whose analysis of office-holding between 1343 and 1348 substantially confirms Villani's account.

<sup>57</sup> On the regime's curtailment of ecclesiastical privileges and its lukewarm Guelphism, see Brucker, *Florentine Politics*, 131–47; Marvin B. Becker, "Some Economic Implications of the Conflict Between Church and State in Trecento Florence," *Mediaeval Studies* 21 (1959): 1–16; *idem*, "Florentine Politics and the Diffusion of Heresy in the Trecento: A Socio-Economic Inquiry," *Speculum* 34 (1959): 60–75; and *idem*, "Church and State in Florence on the Eve of the Renaissance (1343–1382)," *Speculum* 37 (1962): 509–14. An accusation commonly levelled against the new men was that their fortunes derived from usury; see Brucker, *Florentine Politics*, 136–37.

<sup>58</sup> Brucker, *Florentine Politics*, 19–23; Becker, *Florence in Transition* 1:218–20.

of communal finance—the Acciaiuoli, Bardi, Peruzzi, and Bonaccorsi—were quickly bought up by newcomers to the mercantile sector, such as the Rinuccini, Asini, Pantaleoni, and Buonarroti, and by citizens of even more obscure backgrounds, such as Benci del Buono, Francesco del Biondo, and the Piero di Vannozzo Baroni mentioned earlier.<sup>59</sup>

With the revival of the old elite's political fortunes in the wake of the Black Death, the future of the *monte* began to appear uncertain. For example, in June 1354—perhaps in reaction to the unsettling effects of the controversy itself—the commune established the office of “syndic for immunity” (*syndicus ad indulgendum*), whose function was to issue certificates to

pardon, assure, and forgive with respect to God, conscience, and the world anyone who has received or . . . will in the course of the current year receive anything by way of gift, compensation, commission, usury, or *interesse* from the revenues of the commune for any money lent to the commune or advanced to it in any way.<sup>60</sup>

The pardon extended to creditors did not refer to remission of sin, over which the commune claimed no jurisdiction, but to immunity from prosecution for restitution of interest on the grounds that the government had been the victim of usury.<sup>61</sup> Such a procedure was not inconceivable.<sup>62</sup> In the early 1350s the *Signoria* regularly declared its intention to eliminate the debt, considering and rejecting various proposals in turn, such as interest moratoria, uncompensated *prestanze*, increased gabelles, and direct taxation of wealth.<sup>63</sup> The government finally settled on a complicated scheme to repurchase credits and succeeded in reducing the debt from some 500,000 florins in 1350 to 270,000 by 1358.<sup>64</sup>

The *monte* controversy mirrored the sociopolitical conflict. As played out in the arena of law and moral theology, it pitted Francesco da Empoli, who spoke

<sup>59</sup> Barducci, “Politica e speculazione,” 205–10.

<sup>60</sup> “. . . ad perdonandum, finiendum, et remictendum et quoad deum et quoad conscientiam et ad mundum omnibus et singulis qui hactenus recepissent seu . . . recipient durante tempore dicti anni aliquid de pecunia communis predicti, pro dono, merito, provisione, usuris seu interesse cuiuscunque pecunie dicto communi recipienti mutuate date vel ad ipsum commune pervente quoquo modo” (provision of 20 June 1354 ed. Kirshner in “Reading Bernardino’s Sermon,” 576 n. 104). The office was confirmed in 1357 and was still operative in 1367 (Trexler, “Florence,” 153–54).

<sup>61</sup> See Kirshner, “Reading Bernardino’s Sermon,” 575–76; “Storm over the *Monte*,” 225–26; and “Franco Sacchetti,” 568.

<sup>62</sup> For example, Trexler detects in council debates and legislative provisions prior to 1383 a tendency to stress creditors’ moral, if not their legal, obligation to restore the interest they had received on their credits (“Florence,” 150–56).

<sup>63</sup> Becker, *Florence in Transition* 2:168–75.

<sup>64</sup> Barducci, “Politica e speculazione,” 193 n. 77. Barducci discusses the scheme at 189–94.

for the new men, against Piero degli Strozzi, a representative of old patrician lineage and wealth. The alignment of the disputants was not arbitrary: historically the Franciscans of Florence recruited their membership from among the new men and lesser guildsmen, while the Dominicans were favoured by the patriciate.<sup>65</sup> The aggressively entrepreneurial outlook of the Franciscan constituency was reflected in the tenor of Francesco's defence of the market in *monte* credits. Strozzi, on the other hand, voiced the animosity of the traditional elite towards the creators and prime beneficiaries of the *monte*. In the Dominican's view, the newly dominant new men were enriching themselves at the expense of the community as a whole, for

out of the twenty-four thousand florins a year given to the said citizens as profit could eventually be repaid the entire principal of the original creditors. . . . Again, it should be noted that the amount paid out in profits is obtained from gabelles, which both poor and rich citizens pay at grave inconvenience; and so the losses of the many are turned to the profit of the few.<sup>66</sup>

Dismissing Francesco's justification of speculative profits on the grounds of risk, Strozzi argued that interest payments were effectively guaranteed

by the will and power of ruling citizens who have money invested in the commune and seek a profit. And it would be very difficult to change this and take money against their will from those whom God knows if they would willingly forego both principal and *interesse*.<sup>67</sup>

The prominence of Francesco's *questio* in subsequent phases of the controversy may be attributed to its continuing value to the "ruling citizens who had money invested in the commune." Within a decade of the original dispute, the government's expansionist policies in Tuscany initiated a fresh cycle of *prestanze* and the creation of voluntary loan funds paying double and triple the

<sup>65</sup> For an analysis of the social composition of the convents of Santa Croce and Santa Maria Novella in the early fourteenth century, see Daniel R. Lesnick, *Preaching in Medieval Florence: The Social World of Franciscan and Dominican Spirituality* (Athens, Ga., and London, 1989), 40–85, 185–212.

<sup>66</sup> "Item considerandum est quod de xxiiii<sup>m</sup> florenorum qui annuatim dantur civibus pro lucro predicto possent paulatim solvi sortes primorum creditorum integre et qui primi subvenerunt communitati, non perderent sortes suas vel tres partes. Item considerandum est, quod prefata quantitas que transit in lucrum civium colligitur ex gabellis, quas solvunt cives pauperes et divites cum gravamine suo, et sic dampnum multorum transit in lucra aliorum" (ed. Kirshner, "Storm over the *Monte*," 275).

<sup>67</sup> "Catenas autem firmitatis et securitatis de predictis dixi voluntatem et potentiam civium regentium, qui habent pecunias in communitate et querunt lucrum; et nimis difficile esset ista mutare et subtrahere eis invitis, qui si libenter perderent sortem et lucrum, Deus novit" (ed. Kirshner, "Storm over the *Monte*," 274, slightly modified on the basis of Florence, Biblioteca Nazionale Centrale, Fondo Principale II, III, 366, fol. 97r).

rate of the *monte comune*.<sup>68</sup> The result was an immense increase in the debt, which stood at a million florins in 1380.<sup>69</sup> Under the new conditions, the patriciate and the new men submerged their differences over the *monte*, profits from which now represented a big and growing share of the wealth of the possessing classes in general. By the mid-1360s, the names of leading patrician families—Rinuccini, Strozzi, Albizzi, Dietsalvi—appeared regularly in the books of the *monte* as speculators and investors alongside the names of new men.<sup>70</sup> As Strozzi had observed, however, the *monte* system discriminated against poor and middling Florentines, who both financed it through consumption taxes and were themselves increasingly subject to *prestanze*.<sup>71</sup>

Popular discontent renewed the theoretical debate. In 1365 the *Signoria* appealed to the chapters-general of the mendicant orders for pronouncements on the licitness of *monte* operations, but unfortunately their determinations, if any, do not survive.<sup>72</sup> At an Augustinian chapter-general held in Florence in 1371,

<sup>68</sup> The *monte dell'uno tre* (1358) and the *monte dell'uno due* (1369), the "three-for-one" and "two-for-one" funds. For discussions, see Becker, *Florence in Transition* 2:174–75; and Kirshner, "Franco Sacchetti," 575–76.

<sup>69</sup> Molho, *Florentine Public Finances*, 65; and Barducci, "Le riforme finanziarie nel tumulto dei ciompi," in *Il tumulto dei Ciompi: Un momento di storia fiorentina ed europea* (Florence, 1981), 97.

<sup>70</sup> Kirshner, "Franco Sacchetti," 573–74.

<sup>71</sup> Florentines defined as destitute (*miserabili*) were exempt, but the category of households deemed to meet the minimum property requirements for assessment was substantially broadened in the mid-1360s and 1370s. In San Giovanni quarter, *sottoposti*, artisans subject to the wool guild, were assessed *prestanze* averaging between 1.5 and four florins in the period from 1362 and 1369 (Charles-M. de La Roncière, *Prix et salaires à Florence au XIV<sup>e</sup> Siècle (1280–1380)*, Collection de l'École française de Rome 59 [Rome, 1982], 374, graph 43B), and during the war with the papacy (1375–78) the total number of assessed households more than doubled (Brucker, *Florentine Politics*, 316 n. 71). A majority of such *prestanziati* surrendered their rights to speculators, who paid the assessment in return for a fee and title to the credit and future interest; see Barducci, "Le riforme," 98–99. On the appeal of the *popolo minuto* for relief in 1369, see Kirshner, "Franco Sacchetti," 563, where the appeal is translated (text edited in n. 25); and Brucker, *Florentine Politics*, 196 n. 11; see also Brucker's translation in *The Society of Renaissance Florence: A Documentary Study* (New York, 1971), 233–34.

<sup>72</sup> For the texts of the *Signoria*'s letters of May 1365 to the generals of the Dominicans and Augustinians, see Kirshner, "Reading Bernardino's Sermon," 617–18; for a discussion, see *ibid.*, 578. On the communal subsidy for the Franciscan chapter-general of 1365 and the government's sponsorship of chapters of the other mendicant orders in Florence, see *idem*, "A Document on the Meeting of the Chapter General in Florence (1365)," *Archivum Franciscanum Historicum* 62 (1969), 392–99; and "Storm over the *Monte*," 232–35. According to Guglielmo Centurieri da Cremona († 1402), who attended the June 1365 Franciscan chapter-general, opinion was divided (*idem*, "Reading Bernardino's Sermon," 575, 602–3). Centurieri's comments on the *monte* were excerpted by Bernardino of Siena from a commentary on the *Sentences* written between 1385 and 1402, but now lost (on the date, see *ibid.*, 564 and n. 64).

however, the prior-general, Guido de Belloreguardo († 1377), condemned the entire *monte* system, proposing a regime of uncompensated loans, the abolition of new funds, and the suspension of the market in credits.<sup>73</sup> Guido's views were echoed in demands of the Ciompi seven years later for the complete abolition of the *monte* and for direct levies on wealth.<sup>74</sup> The task of defending the *monte* was undertaken by the canonist Lapo da Castiglionchio († 1381), who composed a *repetitio* in the 1370s in response to Augustinian critics.<sup>75</sup> Borrowing Francesco's central thesis, the jurist contended that market transactions were licit sale agreements in which purchasers succeeded to the benefits enjoyed by the sellers. Lapo admitted that the double- and triple-interest funds were juridically questionable, but concluded that Francesco's analogy between interest-bearing communal loans and *census* could accommodate the new transactions.

The suppression of the Ciompi in August 1378 meant that the legislation adopted by the remaining guilds, who controlled the government until 1382, fell short of the critics' demands for radical fiscal reform.<sup>76</sup> The storm of protest that followed the introduction of an *estimo* in 1379 forced the government to convert tax payments into debt credits. A year later, the existing *monti* were merged into a single fund on the original model paying five per cent. These ar-

on 564–65). Centueri rejected Francesco's vindication of the debt market in terms of purchase-sale (*ibid.*, 573, 586–87, 596–609).

<sup>73</sup> The opinions of Guido de Belloreguardo and his fellow Augustinian Johannes Klenkoh (or Klenkock [† 1374]) survive in a dossier of earlier opinions appended by Lorenzo Ridolfi to his own discussion of the *monte* in the *Tractatus de usuris* (Florence, Biblioteca Nazionale Centrale, Fondo Principale II, III, 366, fols. 98r–100v; *Tractatus universi iuris* [Venice, 1584], vol. 7, fols. 48va–49vb). The date of Guido's determination is suggested by Kirshner, "Franco Sacchetti," 567.

<sup>74</sup> The Ciompi's petition of July 1378 demanded the suspension of *prestanze*, a moratorium on interest payments, and the elimination of the *monte* over twelve years. The demand for direct taxation of the rich was expressed in the revolutionary slogan, "Non più monti, non prestanze, ma l'estimo!" The *estimo* was a schedule of taxable assets. On the fiscal programme of the Ciompi, see Niccolò Rodolico, *I Ciompi: Una pagina di storia del proletariato operaio*, 3d ed. (Florence, 1980), 184–97; *idem*, *La democrazia fiorentina nel suo tramonto (1378–1382)* (Bologna, 1905), 255–307; Gene A. Brucker, "The Ciompi Revolution," in *Florentine Studies*, ed. Rubinstein, 341–44 (rpt. in Brucker's *Renaissance Florence: Society, Culture, and Religion* [Goldbach, 1994], 64–67); R. Barducci, "Le riforme," 95–102; and Alessandro Stella, *La révolte des Ciompi: Les hommes, les lieux, le travail* (Paris, 1993), 62–65.

<sup>75</sup> *Allegationes*, no. 137 (Venice, 1581), fols. 162va–164vb. The text was written between 1369, when the *monte dell'uno due* was created, and Lapo's death in 1381, though it probably dates from before 1378, when the lawyer was exiled from Florence by the Ciompi. For a discussion of Lapo's theses, see Kirshner, "From Usury to Public Finance," 191–94; and "Franco Sacchetti," 574–76.

<sup>76</sup> See Gene A. Brucker, *The Civic World of Early Renaissance Florence* (Berkeley, 1977), 53–55; and Rodolico, *La Democrazia*, 272–307.

rangements were confirmed by the aristocratic regime that seized power in 1382. In a provision of June 1383, creditors of the *monte* were guaranteed blanket immunity from actions for the restitution of profits, which, in language inspired by the controversy, were now defined simply as “gifts, damages, and *interesse*.”<sup>77</sup>

The protracted war with Milan between 1390 and 1404, however, undermined consensus on the reformed *monte*.<sup>78</sup> The lesser guildsmen and the new men whose predecessors had devised the *monte* now began to chafe under compulsory contributions to the war effort. In 1393 the patrician leaders of the regime were compelled to circumvent the legislative councils by establishing a special war commission with the power to authorize new loans as they were needed. Nevertheless, throughout the 1390s the resistance of nonelite fractions of the political class made the collection of loans and the administration of the debt increasingly difficult, while the leadership’s unpopular decision in 1402 to continue the war, even after the death of Giangaleazzo Visconti had removed the threat to Florentine security, raised tensions even further.

In this context Francesco’s theses were again rehabilitated to counter legal and moral criticisms of the *monte*. In 1404 Lorenzo Ridolfi, a canonist and central figure in the regime, dedicated a third of his influential *Tractatus de usuris* to a vindication of the *monte* and its operations, confirming the rights of investors and speculators in terms largely derived from the *Questio de monte*.<sup>79</sup> Through Ridolfi’s treatise, Francesco’s defence of the debt market became part of the standard repertoire of fifteenth-century analysts of public debt.<sup>80</sup> Perhaps more significantly, Ridolfi’s legitimation of a conservative *status quo* by means of arguments originally forged under the volatile conditions of the mid-*trecento* revealed the extent to which in fifty years the *monte comune* had been

<sup>77</sup> The provision is edited and discussed by Kirshner, “Reading Bernardino’s Sermon,” 579–80 nn. 110, 112, 113.

<sup>78</sup> For what follows in this paragraph, see Molho, “Florentine Oligarchy”; and Brucker, *Civic World*, 145–48, 187–208.

<sup>79</sup> See my thesis, “*Tractatus de materia montis* of Lorenzo Ridolfi,” cxliv–clii, 198–232. For an assessment of the ideological function of Ridolfi’s treatise in the context of early fifteenth-century Florentine politics and its relationship to civic humanism, see *ibid.*, clvi–clxxiv, and my “*Tractatus de materia montis* of Lorenzo Ridolfi,” in *Proceedings of the Twelfth International Economic History Congress, Session D: Recent Doctoral Research in Economic History*, ed. Clara-Eugenia Núñez (Madrid, 1998), 15–23.

<sup>80</sup> Francesco’s theses were, for example, censured by his confrere Bernardino of Siena but endorsed by the Dominican moralist Antonino of Florence. For discussions, see Kirshner, “Reading Bernardino’s Sermon,” 562–63, 573–92; and Spicciati, *Capitale e interesse*, 101–2, 167–95. By the middle of the fifteenth century, the jurist Ambrosius de Vignate (fl. 1460–70) could confidently declare on the authority of Francesco da Empoli that the market in debt credits was no longer a matter of controversy (Kirshner, “Storm over the *Monte*,” 257).



entrenched as the key and, in the minds of the Florentine elite, the only acceptable instrument of public finance.<sup>81</sup>

#### PRINCIPLES OF THE EDITION

There are four extant manuscripts of the *Questio de monte*,<sup>82</sup> to which I have assigned the following *sigla*:

- F* = Florence, Biblioteca Medicea Laurenziana Plut. 31 dex. 11, fols. 151r–154r<sup>83</sup>  
 [*F*<sup>2</sup> = corrections of *F* by a second hand]  
*M* = Monteprandone, Biblioteca comunale 38 bis, fols. 287r–290r<sup>84</sup>  
*Va* = Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 2660, fols. 267r–270v<sup>85</sup>  
*Vb* = Vatican City, Biblioteca Apostolica Vaticana Vat. lat. 4272, fols. 128v–133v<sup>86</sup>

I have selected *F* as the base text because of its age and provenance, and because it offers the fullest version of the text. The manuscript was copied in the

<sup>81</sup> For an overview and discussion of this process, see Anthony Molho, "The State and Public Finance: A Hypothesis Based on the History of Late Medieval Florence," in *The Origins of the State in Italy, 1300–1600*, ed. Julius Kirshner (Chicago, 1995), 97–135. It is notable that the collapse of the patrician regime in the early 1430s was precipitated in part by internal divisions over debt and taxation; see idem, *Florentine Public Finances*, 113–92; and Dale Kent, *The Rise of the Medici Faction in Florence, 1426–1434* (Oxford, 1978), 211–351.

<sup>82</sup> Cesare Cenci, "Sylloge di documenti francescani trascritti dal P. Riccardo Pratesi OFM," *Studi francescani* 62 (1965): 391 n. 51. Lorenzo Ridolfi also paraphrased and glossed Francesco's *questio* in the appendix to his treatment of the debt in the *Tractatus de usuris* (Florence, Biblioteca Nazionale Centrale, Fondo Principale II, III, 366, fols. 87v–91r; *Tractatus universi iuris*, vol. 7, fols. 43r–44v).

<sup>83</sup> Description: parchment quarto, 237×167 mm. Written space one column, 180×126 mm., 37 lines, ruled in pencil, written in an Italian *cursiva* hand, s. XIV. Corrections in a second *cursiva* hand (*F*<sup>2</sup>). The manuscript is bound with the *Quaestiones in priores tres libros Sententiarum* of Peter of Aquila (fols. 1r–137v) and anonymous *quaestiones theologicae* (fols. 138r–150v) in two hands. Neither corresponds to the hand of *F* or *F*<sup>2</sup>. See also A. M. Bandinius, *Catalogus codicum Latinorum Bibliothecae Mediceae Laurentianae*, vol. 4 (Florence, 1777), cols. 707–8.

<sup>84</sup> Description in Amedeo Crivellucci, *I codici della libreria raccolta da S. Giacomo della Marca nel Convento di S. Maria delle Grazie presso Monteprandone* (Livorno, 1889), 70. The hand is an Italian *cursiva*, s. XV, autograph of Giacomo della Marca, O.F.M. († 1476).

<sup>85</sup> Description in Stephan Kuttner, *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library*, vol. 2, *Studi e testi* 328 (Vatican City, 1987), 247. The hand is an Italian *cursiva*, s. XV. The manuscript was presented by one Arsenius the Monk to Andres de Palazago, physician to Eugenius IV, in 1435.

<sup>86</sup> Description in T. Szabò, *Tractatus quatuor de immaculata conceptione b. Mariae Virginis*, Bibliotheca Franciscana Scholastica Medii Aevi 16 (Quaracchi, 1954), 128. The hand is an Italian *cursiva*, s. XIV.

later fourteenth century and originally belonged to the library of Santa Croce.<sup>87</sup> It has been heavily corrected by a second scribe ( $F^2$ ) with reference to another copy.  $F^2$ 's manuscript may have been an independent witness, but it seems more likely that it was  $F$ 's exemplar, since  $F^2$  allows several mistakes in  $F$  to stand, such as the misquotation of Luke 6:35 (20, 119–20) and the reading *lectioni* (223).

A collation of the other manuscripts against  $F$ - $F^2$  reveals no direct relationships between them. Each copy contains at least one significant *homoeoteleuton* unrepresented in the other three ( $F$  16–17, 299–300;  $M$  79–83, 257–58;  $Va$  52–57;  $Vb$  31, 173–74, 293–95, 330–31), while  $Va$  has an entirely unique formulation of the introductory *casus* (2–12) that may reflect an authorial redaction independent of the tradition represented by the other three manuscripts. Apart from these exceptions, however, there are few major divergences between copies.  $M$  and  $Va$  generally offer more consistent readings than  $Vb$ , which includes the largest number of omissions, additions, and unique readings.

The text printed below is basically that of  $F$  with the corrections of  $F^2$ . Because it is not possible to assert the priority of any one manuscript, I have felt free to emend the text where three or two witnesses agree against  $F$ - $F^2$ , on the assumption that these places represent unique variants in the latter. In five places I have emended on the basis of a single manuscript where it seemed to preserve the best reading (110 [*bis*], 171, 255, and 345). In all cases  $F$ - $F^2$ 's reading and the source of the emendation are noted in the *apparatus criticus*. Within the text, angle brackets (< >) indicate additions to the text of  $F$ - $F^2$  and square brackets ([ ]) indicate material that should be deleted. The *apparatus criticus* also notes where  $F$  has been corrected by  $F^2$  and reports significant variants in  $M$ ,  $Va$ , and  $Vb$ . I have omitted purely orthographic variants, transpositions of words, and minor scribal corrections. The lemma followed by a square bracket ([]) is the reading of all copies except those reported in the variants that follow. Where the *apparatus* refers to the corrections of  $F$  by  $F^2$ , all other witnesses support the lemma unless otherwise noted.

Punctuation, capitalization, and paragraph divisions reflect modern practice. The orthography of  $F$ - $F^2$  has been retained: *e* for the diphthongs *ae* and *oe*, *ymo* for the classical Latin *immo*, *set* (*sed*), *sicud* (*sicut*), *acepi* (*accepi*), *agrauans* (*aggrauans*), *intromicto* (*intromitto*), *dimicto* (*dimitto*), *commicto* (*committo*), *anexitas* (*annexitas*), *locuntur* (*loquuntur*), *alico* (*aliquo*), *nichil* (*nihil*), *suttilis* (*subtilis*), *coaptus* (*coactus*), *condictio* (*conditio*), *sinpliciter*

<sup>87</sup> Attested in the earliest extant inventory, dating from around 1430. See Curzio Mazzi, "L'inventario quattrocentesimo della biblioteca di S. Croce in Florence," *Rivista delle biblioteche e degli archivi* 8 (1897): 109.

(*simpliciter*), *reabere* (*rehabere*), *dampnum* and *dampnificatus* (*damnum* and *damnificatus*), *extimatio* (*estimatio*), *uolumptarius* and *uolumptarie* (*uoluntarius*, and *uoluntarie*), and *honera* (*onera*). I have made exceptions in the case of *F-F*<sup>2</sup>'s inconsistent spelling of assibilated *ti* (or *ci*, as in *mercaciones*), which is transcribed throughout as *ti*, and the arbitrary use of *u* and *v*, which is rendered as lowercase *u* and uppercase *V*. I have not, however, standardized the manuscript's inconsistent use of Arabic and Roman numerals.

The scholarship variously refers to Francesco's text as a *tractatus*, a *questio*, and a *determinatio*. Since *F* lacks both title and colophon, it provides no guidance on this point. *Tractatus* is attested in the *incipit* of *M*, *determinatio* in the *explicit* of *Vb*, and *questio* in the *incipit* of *Vb* and the *explicit* of *Va*. Since Villani's chronicle suggests that Francesco's text might be a redaction of a public disputation, I have chosen *questio*, adapting the title from the *explicit* of *Va*, which refers to the text as a "questio del [*sic*] monte disputata . . . per magistrum Franciscum de Empoli."

The *apparatus fontium* identifies the few authorities explicitly cited in the *Questio de monte* and suggests possible sources for other passages. Roman law citations refer to the *Corpus iuris civilis*, ed. T. Mommsen et al., 3 vols. (Berlin, 1892–95); canon law citations to the *Corpus iuris canonici*, ed. A. Friedberg, 2 vols. (Leipzig, 1879; rpt. Graz, 1959).

#### NOTE ON VOCABULARY

Several legal and economic terms may be unfamiliar to readers and therefore merit an explanatory note. Francesco's usual word for the principal of a loan is the classical Latin *sors*, but he also spoke of *principale* and *capitale*. As was noted above, *capitale* may here designate investment capital, but there is no indication that Francesco necessarily had in mind Peter John Olivi's notion that such money possessed a "seminal reason" or potentiality of profit that distinguished it from money as a measure of value or medium of exchange.<sup>88</sup> *Inter-*

<sup>88</sup> Olivi's observation occurs in his treatise on usury: "illud quod in firmo proposito domini sui est ordinatum ad aliquod probabile lucrum non solum habet rationem simplicis pecuniae seu rei, sed ultra hoc quamdam seminalem rationem lucrosi quam communiter capitale vocamus, et ideo non solum habet reddi simpliciter valor ipsius sed etiam valor superadiunctus" (ed. Todeschini, *Un trattato di economia politica francescana*, 85). For discussions and bibliography, see Spicciani, *Capitale e interesse*, 85–96; and Kirshner and Lo Prete, "Peter John Olivi's Treatises," 266–77. On the meaning of the term in Latin contracts, see John H. Pryor, *Business Contracts of Medieval Provence: Selected "Notulae" from the Cartulary of Giraud Amalric of Marseilles, 1248*, Studies and Texts 54 (Toronto, 1981), 254. In vernacular contracts, *capitale* denoted not only investment capital but often the principal of a

*esse* (compensatory damages) represented the difference (*quod interest*) between the actual condition of the creditor and the position he would have been in had the debtor repaid on time. The noun was coined by the jurist Azo († 1220) to distinguish legitimate damages from a charge for the use of money (*usura*), which was, of course, illicit. *Mutuare* ("to lend," "to contract a *mutuum*") was a back formation from *mutuari* ("to borrow"), while *prestare* here means "to pay" or "to make a loan" to the commune. A *pena conventionalis* (36) was a penalty agreed on by contracting parties for nonfulfilment of an agreement (*conuentio*). A usurious transaction masquerading as a legitimate contract was said to be "in fraud of usury" (*in fraudem usurarum* [36–37]). In the text *dominus* and *dominium* bear their Roman law sense of "owner" and "ownership" respectively. *Mercator* (258) was classical, but *mercatio* ("trade," "commerce") and *mercantia* (345, here "merchandise" = CL *merx*) were post-classical. *Excrescentia* (200) means "increase" or "profit" on an investment and *anexitas* (292), from *annecto*, means "conjunction." *Delegatio* (73) ordered that the benefit of a contractual obligation owed by one party to another be transferred to a third. *Nouatio* (73) transferred rights created in a bilateral contract to a third party by means of a new contract between the third party and one of the original actors.<sup>89</sup> *Actio directa* (110) was based on the strict wording of a contractual formula, *actio utilis* (100–101, 110) on an adaptation of the contract in accordance with the principles of equity or the intentions of the contracting parties.<sup>90</sup> A *donatarius* (272) was the recipient of a gift, a "donee." A designated heir who was not subject to the legal authority (*patria potestas*) of the testator and therefore not obliged to accept the legacy was termed a *heres extraneus* (272–73).<sup>91</sup> The neuter noun *commune*, from the adjective *commune*, is used in the text interchangeably with *communitas* to refer to the republican regimes ("communes") of Florence and other Italian city-states. *Abatia* (264) here means "abbey" or "monastery."

loan as well; see Florence Edler, *Glossary of Mediaeval Terms of Business: Italian Series, 1200–1600* (Cambridge, Mass., 1934), s.v. "Capitale."

<sup>89</sup> Dig. 46.2.

<sup>90</sup> Pryor, *Business Contracts*, 249.

<sup>91</sup> Inst. 2.19.1, 3–5.

## (QUESTIO DE MONTE)

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Casus talis est. Petrus fuit coactus prestare communitati .c. florenos et ex hoc communitas obligatur sibi in .c. florenis. Et interim communitas ordinat sibi dare .5. florenos annuatim pro suo interesse quamdiu tenebit illos .c. florenos. Postmodum Johannes emit a Petro suum ius percipiendi .c. florenos a communitate et illud interesse sequens pro .25. florenis. Queritur quid iuris?

Respondeo in hoc casu proposito sunt duo puncta. Primum est si Petrus licite possit recipere illos .5. annuatim pro eo quod coactus fuit prestare. Et quantum ad hoc supponatur pro certo quod sic, quia ratione interesse potest quis licite recipere aliquid ultra sortem in casu proposito.<sup>1</sup>

Quantum ad secundum, utrum scilicet Johannes possit emere illud ius percipiendi capitale et interesse sequens, respondeo quod sic, quia hic contractus nullo iure prohibetur nec diuino nec humano, ergo licite potest fieri. Patet consequentia, quia nichil est peccatum nisi quia contra preceptum. Antecedens probatur quia non prohibetur iure canonico nec ciuili. Patet per probos uiros

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1 *Questio de monte ed.* : *Questio magistri Francisci super questione montis de usura Vb* : *Tractatus magistri Francisci de Empoli de prestitis que uocantur pecunia de monte Florentie M* : *om. FVa* 2–12 *Casus . . . respondeo*] Petrus fuit coactus prestare communitati florenos centum et ex hoc obligata est sibi dicta communitas et ordinamentum factum quod comune det pro interesse cuiuslibet mutuanti comuni annuatim quinque florenos pro centenariio quamdiu dictum comune restituet prestanciam seu pecuniam mutuatam. Johannes postea emit a dicto Petro predictum ius percipiendi florenos centum a dicto comuni et omne interesse exinde proueniens et prouenturum pro pretio florenorum .xxv. Queritur modo utrum Petrus possit licite percipere illos .v. florenos annuatim pro eo quod coactus fuit uel faciliter erat cogendus, quia statutum erat et ordinatum quod per rectorem quilibet cogeretur ad prestandum taxationem suam comuni. Item, utrum Johannes predictus possit licite emere illud ius percipiendi capitale et interesse sequens. Ad primum respondetur supponendo pro certo quod sic, quia tamquam interesse potest quis licite recipere aliquid ultra sortem, ut in casu proposito. Ad secundum respondetur *Va* 3 *interim*] inde *Vb* 6 *iuris*] -ris *F*<sup>2</sup> 7 *Primum*] *Primus Vb* 8 .5.] florenos *add. M* 10 *a post* quis *canc. F* licite *om. Vb* 12 *hic*] iste *Vb* 13 *nullo*] nec *Vb* nec<sup>1</sup> *om. Vb* quia *post* Patet *canc. F* 14 *nichil*] nil aliud *Va* 15 *non*] nisi *Vb*

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<sup>1</sup> Cf. Astesanus, *Summa de casibus* 3.11.5; Peter John Olivi, *Tractatus de usuris*, ed. Todeschini, *Un trattato di economia politica francescana*, 84–85; John of Erfurt, *Tabula iuris*, cited in Kirshner, “Storm over the Monte,” 230 n. 41; and the corresponding text in Brieskorn, ed., *Die Summa Confessorum des Johannes von Erfurt* 3:1232.

expertos in dictis scientiis doctoratos, (sicud in hoc loco a pluribus cretinus ego ipse acepi); cuilibet autem experto in sua scientia est credendum. Set quod non prohibeatur iure diuino, hoc ego, ut huius iuris professor, uolo ostendere, quia si alico modo prohiberetur iure diuino uideretur prohiberi per illud uerbum  
 20 Christi, "mutuum date nichil inde sperantes,"<sup>2</sup> quia, ut dicunt tenentes oppositum, in hoc contractu est usura et contractus est usurarius.

Set probro quod hoc est falsum, quia contractus usurarius est, secundum theologos, cum ex usu rei, cuius usus non distinguitur perpetuo a dominio rei, ut cum ex pecunia, quis uult habere lucrum rem illam alteri mutuando; quia sic  
 25 mutuando ut pecuniam non manet mutuans dominus pecunie mutuate et per consequens si pro illa uel usu eius aliquid uelit recipere ultra sortem, reciperet pro non suo et sic uenderet non suum, et sic est usura.<sup>3</sup> In omni etiam contractu usurario uidetur tempus uendi, quod non est plus suum quam alterius.<sup>4</sup> Ad istum intellectum locuntur sancti doctores, ut Augustinus, cum dicit "quidquid  
 30 ultra sortem speratur uel expectatur usura est";<sup>5</sup> et Gregorius: "quidquid accedit sorti usura est";<sup>6</sup> et Ieronimus: "quidquid ultra sortem exigitur usura est";<sup>7</sup> et ulterius: "quidquid ultra sortem percipitur a principio cum pacto uel intentione sic habendi usura est."<sup>8</sup> Et ita sunt sane intelligenda quia aliqui casus excipiuntur in quibus mutuando talem rem cuius usus non potest separari  
 35 perpetuo a dominio, ut est pecunia, potest quis recipere aliquid ultra sortem et

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16 expertos] et *add. Vb*      sicud . . . pluribus *MVaVb* : *om. F*      16-17 cretinus . . .  
 acepi *Vb* : cretinus ego *om. M* : ego *om. Va* : *om. F*      17 acepi] percepi *Va*      18 iuris]  
 minus *Vb*      ostendere] primo *add. Va*      19 prohiberetur] prohibetur *M*      20 date  
*MVaVb* : dantes *F*      nichil inde sperantes] et cetera *Vb*      23 rei] quis lucratur *add. Vb*  
 24 cum ex *MVaVb* : est *F*      25 ut *om. Vb*      mutuans] pecuniam *add. Vb*      26 uelit]  
 uellet *M*      27 uenderet *MVa* : uendet *F* : uideretur *Vb*      28 uidetur] uideretur *M*  
 uendi *corr. e* uendendi (-den- *exp.*) *F*      31 et Ieronimus . . . usura est *om. per homoeotel.*  
*Vb*      32 ulterius] ultra *Va*      percipitur *corr. e* percipitur (-ci- *del.*) *F*      a] ex *Vb*  
 33 ita] ista *Va*      35 quis *om. Vb*      et *om. Vb*

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<sup>2</sup> Lc 6:35; cf. X 5.19.10 *Consuluit*

<sup>3</sup> Cf. John Duns Scotus, *Quaestiones in quartum librum sententiarum* (*Opus Oxoniensis* 4), dist. 15, q. 2, in *Opera omnia* 18 (Paris, 1894), 292b.

<sup>4</sup> Cf. Duns Scotus, *Opus Oxoniensis* 4, dist. 15, q. 2, in *Opera omnia* 18:303a.

<sup>5</sup> Cf. Gratian, C.14 q.3 c.1

<sup>6</sup> Gratian, C.14 q.3 c.3 (*recte* Ambrose, *De Tobia* 14, ed. K. Schenkl, CSEL 32.2 [Vienna, 1897], 546).

<sup>7</sup> Gratian, C.14 q.3, *dictum Grat. post* c.4; cf. C.14 q.3 c.2.

<sup>8</sup> Cf. Gottofredo da Trani (Goffredus Tranensis), *Summa super titulis Decretalium*, X 5.19 *de usuris*, n.1 (Lyons, 1519; rpt. Darmstadt, 1968), fol. 218vb (rpt. p. 438b).

licite, puta ratione pene conuentionalis, dummodo non fiat in fraudem usurarum; ratione interesse; et quando utrumque, scilicet capitale et illud superfluum, ponitur sub incerto. Ita declarat doctor subtilis libro quarto, distinctione .15. q. .2.<sup>9</sup>

- 40 Modo arguo quod dictus contractus non est usurarius quia uel esset iste contractus usurarius inter primum, scilicet Petrum, et secundum, scilicet Johannem, uel inter secundum, scilicet Johannem, et communitatem; quia usura non est nisi inter contrahentes usurarie. Set inter secundum et communitatem nullus est contractus, uel saltem nullus est contractus mutui, ergo nullus contractus usurarius. Patet consequentia ex dictis. Antecedens proba quia mutuum  
45 non conficitur nisi ubi de meo fit tuum,<sup>10</sup> quia est obligatio que re contrahitur accedente consensu. Set quando secundus dat pecuniam uenditori, nichil dat ex hoc communitati nec aliquid de suo efficitur communitatis. Set mutuum est cum de meo fit tuum; hoc acto, quod tantumdem michi reddatur in eodem  
50 genere. Confirmatur quia contractus qui fit inter primum et secundum posset fieri de iure, etiam ignorante communitate.

Preterea in contractu emptionis iuris inter istos duos effectus eius quod agitur est ut commoditas et utilitas crediti et actionis que est ex parte creditoris in me transeat. Et ex hoc non attingitur uinculum consistens ex parte debitoris,  
55 nec etiam uinculum obligationis ex parte creditoris transit de eo in emptorem, set exercitium sue actionis accom(m)odatur emptori ut ad suam utilitatem exigat quod debetur uenditori.

Preterea, facto contractu uenditionis, sors non est debita emptori a communitate uirtute emptionis, (et) maxime proprie, set uenditori. Set qui non est  
60 creditor in sorte siue cui sors non est debita non potest dici usurarius. Emptor autem non concessit sortem communitati nec sibi debetur a communitate. Set

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38 incerto] et <i>add. Vb</i>	Ita] <i>Ista M Va</i>	subtilis] <i>super add. Vb</i>	libro <i>om. Vb</i>
quarto] <i>sententiarum add. Vb</i>	40 arguo] <i>sic add. Va</i>	iste] <i>hic M</i>	41 contractus
<i>om. M</i>	44 nullus <i>om. M</i>	46 re <i>om. Vb</i>	49 cum] <i>quando Vb</i>
51 etiam] et <i>Va</i>	52-57 Preterea . . . uenditori <i>om. per homoeotel. Va</i>	52 istos <i>in marg. suppl. F<sup>2</sup> : om. Va</i>	quod] <i>qui M</i>
52-53 agitur] <i>ageretur F, del. et agitur in marg. add. F<sup>2</sup></i>	53 commoditas] <i>communitas M</i>	creditoris] <i>creditorum M</i>	56-
57 ut . . . uenditori <i>om. Vb</i>	58 contractu] <i>consensu Va</i>	proprie <i>post est del. F (vid. lin. 59)</i>	emptori <i>om. M</i>
59 uirtute . . . proprie <i>in marg. suppl. F<sup>2</sup></i>	et <i>M Va Vb</i> :	qui] <i>quia M</i>	est <i>om. Vb</i>
60 sorte] <i>sortem M</i>	siue . . . debita <i>in marg. suppl. F<sup>2</sup></i>	debita] <i>debitor Vb</i>	

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<sup>9</sup> Duns Scotus, *Opus Oxoniensis* 4, dist. 15, q. 2, in *Opera omnia* 18:293a-b.

<sup>10</sup> *Inst.* 3.14.pr.

ubi non est principale | nec accessorium, ergo respectu emptoris ad communitatem non est usura, quia suo respectu non est sors in debito, et illa dictio "ultra sortem," cum sit comparatiua, presupponit suum positium.

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- 65 Et si diceres quod ymo emptori commune est debitor quia decreuit quod emptoribus huius iuris prestetur sors et augmentum eius, respondeo quia commune fecit hoc per legem et in sua potestate est reuocare legem. Quomodo ergo obligatur per illam? Nam uidemus quod de facto auferunt quando uolunt; et de iure est quod nullus potest legem facere quam non potest tollere,<sup>11</sup> ergo legislator non est astrictus ex ea. Et posito quod se astrinxisset per contractum ad non reuocandum dictam legem nil ad rem, ut inferius declarabitur. Nam posito quod primus desineret esse creditor et communitas diceretur obligata huic emptori uirtute cuiusdam quasi delegationis seu nouationis, ex qua diceretur noua obligatio insurgere, tamen licet obligatio uarietur non uariatur res super  
75 qua contrahitur, et ideo sicut in prima continebatur uera sors et interesse, ita et in secunda.

- Preterea si ex hoc esset contractus usurarius propter legem communitatis qua uult respondere sic ementi, ergo si nulla lex esset facta a communitate, tunc talis contractus uenditionis iuris inter primum et secundum concederetur  
80 ab oppositis esse licitus, quia remota causa, remouetur effectus, cuius tamen oppositum ipsi dicunt.

- Preterea quidquid communitas ordinat, statuit ad finem ut contractus inter primum et secundum habeat firmitatem; et illud confirmat et non immutat. Ergo si sine lege communitatis est contractus licitus, similiter cum lege est  
85 licitus.

Ad intellectum autem declarandum est sciendum quod inter primum et communitatem sunt tria consideranda. Primum est contractus mutui quo iste mu-

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62 nec] erit *add. M* emptoris] emptionis *M* 62-63 ad communitatem] a communitate *MVb* 63 in debito] indebite *Va* illa] ista *Va* 65 quod<sup>1</sup> *om. Vb*  
66 emptoribus] emptores *Vb* respondeo] quod *add. Vb* 67 fecit] facit *Vb* 68 illam] ista *Va* Nam] et *add. Vb* uidemus quod *om. Vb* 69 quam] aliam *M* potest] possit *Va* 71 dictam] illam *Vb* 72 diceretur] esse *add. Vb* 73 delegationis] legationis *M* nouationis] donationis *Vb* 74-75 super qua] supra quam *Vb* 75 et<sup>2</sup> *om. Va* 78 qua] quia *Va* respondere] reddere *M* 79-83 concederetur . . . secundum *om. per homoeotel. M* 80 licitus] licitum *Vb* 83 habeat] habebat *M* et illud . . . immutat *om. Vb* 84 si *om. Va* similiter] erit *add. M* lege] etiam *add. Vb* 84-85 est licitus *om. M* 85 licitus] licitum *Va*

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<sup>11</sup> Cf. X 5.41.1 *de regulis iuris*: "Omnis res, per quascunque causas nascitur, per easdem dissolvitur."



tuauit communitati, licet coactus, .c. florenos. Secundum est obligatio ex illo  
 90 contractu consurgens qua communitas tenetur isti in .c. florenis; ex qua obli-  
 gatione commune est debitor illius et iste est creditor communitatis et quoad  
 debitum principale et quoad interesse. Et sic habet ius exigendi et percipiendi a  
 communitate .c. florenos; et quamdiu non recipit, habet ius percipiendi inter-  
 esse. Tertium est actio ex hiis consurgens qua habens ius exigendi et per-  
 95 capiendi .c. florenos et suum interesse potest hec petere et agere ut recipiat  
 capitale uel, dum non datur capitale, (ut) recipiat interesse.

Hiis dictis, est sciendum quod inter secundum et primum, scilicet inter emp-  
 torem et uenditorem, est contractus uenditionis, ex quo insurgunt tres effectus.  
 Vnus est quod emptor habet exercitium actionis quam habebat uenditor nomine  
 ipsius uenditoris ad utilitatem tamen ipsius emptoris. Secundus est effectus  
 100 quia a iure sibi datur una actio similis illi quam habet uenditor, que actio ap-  
 pellatur "utilis."<sup>12</sup> Et non oritur ex contractu quem habet emptor cum com-  
 munitate, set propter contractum quem habet cum uenditore habet eam ex illo  
 primo contractu uenditoris et communitatis, uel a iure tantum absque materia  
 alicuius contractus ex quo procedat proprie. Tertius effectus est quod uenditor  
 105 tenetur omnem utilitatem mutui, id est, omne quod percipietur de mutuo facto  
 communitati et actionis et iuris inde sibi competentis et interesse, dare emptori.

Et ex hoc apparet quod ius competens emptori non procedit ex aliquo con-  
 tractu qui sit inter eum et commune et quod nullus contractus initur per illum  
 actum cum communitate. Nec communitas efficitur proprie debitor istius emp-  
 110 toris, quia utilis actio, quam habet suo nomine, et directa, quam habet nomine  
 uenditoris, insurgunt ex primo mutuo et emptione, siue propter emptionem  
 absque eo quod illud primum mutuum iteretur uel alteretur uel transferatur in  
 aliam personam.

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88 licet . . . florenos] .c. florenos sed coactus Vb illo] isto Va 89 qua<sup>1</sup>] ista add.  
 Vb 90 illius MVaVb : istius F 91 sic om. Va 92 recipit] recepit Va  
 93 qua] quia Va 94 florenos om. Va hec] hoc Va recipiat corr. e reiciat (-i-  
 del.) F 95 ut MVaVb : om. F 96 Hiis] infra add. M 97 insurgunt] exsurgunt M  
 98 actionis] dationis M habebat] habet M 99 ipsius<sup>1</sup>] quam habebat uenditor  
 nomine ipsius add. Va 100 una om. Vb 101 habet] habebat Va : habeat Vb  
 102 propter] per Vb habet<sup>1</sup>] habebat Va eam] enim Vb illo] isto Va 103 uen-  
 ditoris MVb : uenditionis FVa 104 quo] primo add. Vb procedat] procedenti Vb  
 105 id est] in Vb percipietur] percipitur M facto] facta Vb 106 inde om. Vb  
 108 initur] intelligitur M illum] istum Va : nullum Vb 109 communitate] iste Vb  
 110 utilis actio Va : utilem actionem FMVb directa Va : directam FMVb quam  
 habet<sup>2</sup> om. Va 111 insurgunt] exsurgunt M 112 iteretur] itiretur Va uel<sup>2</sup> om. Vb

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<sup>12</sup> Cf. Dig. 27.4

Et sic patet prima pars quod inter emptorem et communitatem non est con-  
115 tractus usurarius, quia nec aliquis contractus.

Modo probatur alia pars, uidelicet quod inter primum et secundum, scilicet,  
inter Petrum et Johannem, nullus est contractus usurarius quia, arguo sic, inter  
istos nullum est mutuum, ergo inter eos nulla est usura. Consequentia patet,  
nam ideo nomine mutui prohibetur usura per Christum dicentem "mutuum date  
120 nichil inde | sperantes."<sup>13</sup> Vsura etiam dicitur usus eris<sup>14</sup> qui conceditur sub  
mutuo propter quem uolo lucrum. Set antecedens probatur quia est contractus  
uenditionis, nam quod dat secundus primo numquam reabet, scilicet illos .25.,  
nec aliquid equiualens, nec aliud dat sibi, ergo nichil sibi mutuatur.

Preterea probatur quod in tali contractu inter primum et secundum simpliciter  
125 loquendo non est aliquid illicitum et quod tales contractus per consequens sunt  
simpliciter liciti, quia communitas tenetur primo in .c. florenis et dat sibi pro  
interesse annuatim .5. quousque reabeat .c. Istud autem quod iste habet reci-  
pere a communitate est coniunctum cum alico dubio tam ex parte sortis quam  
ex parte interesse; nam si nullum dubium esset annexum, quis dubitat quod  
130 nullus daret .c. et id interesse pro .xxv.? Et patet etiam dubium quia scio quod  
de facto multi dimiserunt emere propter dubium tantum. Modo ergo primus  
propter dubium quod habet non est certus quid habebit, computato capitali ac  
etiam interesse, propter pericula que possunt interuenire, et idcirco conuenit  
cum secundo per istum modum dicens: "nescio quid habebō a communitate  
135 propter dubium; quidquid habebō dabo tibi si dederis michi .30. florenos uel  
.25. modo; [et] et si nichil habebō nichil tibi dabo." Secundus est contentus in-  
trare istud dubium lucri uel dampni, et emit ab eo tales redditus modo dicto

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115 quia . . . contractus *om. M Va Vb* 116 Modo] Pars secunda *in marg. sin. add. ter-*  
*tia man. F* scilicet *om. M* 118 inter eos *om. M* eos] istos *Vb* est<sup>2</sup> *om. M*  
119 nam] quia *M Vb* date *M Va Vb* : dantes *F* 120 nichil] nil *Va* eris] ens *F, del.*  
*et eris in marg. add. F<sup>2</sup> : rei add. Vb* 122 scilicet *om. Va* .25.] florenos *add. Vb*  
123 nec aliquid equiualens *in marg. suppl. F<sup>2</sup>* 125 per consequens *om. M* 126 sin-  
pliciter *om. Vb* 127 autem *om. Vb* 129 dubitat] dubitet *Va* 130 nullus] non *M*  
quia s post etiam *del. F* etiam . . . scio *om. M* quod] quia *M* 131 multi *om. M*  
dimiserunt] dixerunt *F, del. et dimiserunt in marg. add. F<sup>2</sup>* tantum] solum *M* ergo  
*om. Vb* 134 per istum modum] cum isto modo *M* habebō] habeo *M* 135 ha-  
bebo] habeo *M* : a communitate *add. Va* modo iste contractus est licitus post florenos *del. F*  
(*vid. inf. lin. 138*) 136 et<sup>1</sup> *om. M Va Vb* et<sup>2</sup> *om. Vb* 136–37 intrare] incurrere *M*  
137 dicto] predicto *Vb*

<sup>13</sup> Lc 6.35; cf. X 5.19.10 *Consuluit*

<sup>14</sup> Cf. Gottofredo da Trani, *Summa*, ad X 5.19 *de usuris*, n. 2, fol. 219rb (rpt. p. 439b); Hostiensis, *Summa aurea*, ad X 5.19 *de usuris*, n. 2 (Venice, 1574; rpt. Turin, 1963), col. 1614.

dando sibi .25. florenos modo.<sup>15</sup> Iste contractus est licitus quia in nullo se  
intromittit cum communitate, set solum emit ab isto redditus alicos (modo  
140 dicto) sibi dubios quos iuste debet habere. Set ita est in casu proposito quia est  
eadem ratio dubii quod maxime insurgit, attento eo quod in mera uoluntate  
debitoris est omnino non soluere uel differre et leges creditorum factas resol-  
uere.

Preterea probatur propositum per simile de dubio, quia possum licite secu-  
145 rare mercationes tuas usque Ianuam recipiendo super me dubium et uolendo .x.  
uel .xx. pro .c. secundum quod michi plus uel minus uidetur graue illud peri-  
culum recipere super me, ergo et in eo quod habes a communitate recipere pos-  
sum te securare de dubio quod ibi habes uolendo a te recipere tantum quantum  
michi est graue te super hoc securare. Sic in proposito, quia totum dubium  
150 quod tu habes super me recipio dando tibi .25. quia ex tunc, si nichil unquam  
reciperes, esset dampnum meum, non tuum. Si tamen reciperes siue parum siue  
multum, totum erit meum.

Eodem modo a simili, tu habes recipere ab uno .c. florenos, qui est malus  
debitor et est maior te, cum quo non potes litigare, ita quod dubitas. Dicam  
155 tibi: "uolo recipere super me istud periculum et dubium, set uolo quod des  
michi tantum." Patet quod est licitum. Et si ponatur quod ipse debitor ad con-  
tentandum te et pro tuo interesse promictat dare .5. annuatim quousque  
reddiderit principale; tu tamen dubitas de toto quia poterit dimictere quando-  
cumque uolet, nonne possum te de toto promisso securare pro certo promisso?  
160 Non est dubium; sic potest dici ad propositum.

Preterea arguitur quod in tali contractu inter primum et secundum nulla est  
usura, quia usura non est nisi cum aliquis ultra sortem aliquid accipit seu reci-  
pere intendit. Set respectu istius secundi non est considerare sortem et aliquid

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139–40 modo dicto *MVaVb* : *om. F*      140 dubios] dubio *Vb*      quia] quod *Vb*  
est<sup>2</sup>] eum *F*, *exp. et est in marg. add. F<sup>2</sup>*      141 quod<sup>1</sup>] que *M*      142 debitoris] -oris  
*interlin. F<sup>2</sup>*      factas] faciendos *F*, *del. et factas in marg. add. F<sup>2</sup>*      142–43 resolvere]  
dissoluere *VaVb*      145 .x.] pro xx. *add. Vb*      146 uidetur] uidebitur *M* : uideatur *Va*  
147–48 possum] possum enim *add. Vb*      148 securare] assecurare *Vb*      150 recipio  
dando] recipiens dabo *M*      153 qui] non *add. Vb*      154 maior] et potentior *add. Vb*  
te] et *Va*      Dicam] ego *add. Vb*      155–56 des michi *in marg. suppl. F<sup>2</sup>*      156 Patet  
quod] hoc *add. Vb*      ipse] iste *Vb*      157 dare] tibi *add. Vb*      159 promisso<sup>2</sup>] pretio  
*Vb*      160 dubium] et *add. Vb*      dici *MVaVb* : duci *F*, *ad- in marg. add. F<sup>2</sup>* : in pro-  
positum et *add. Vb*      162 aliquis] aliquid *Vb*      aliquid *om. Vb*      accipit *corr. ex*  
accipit (-*ci-exp.*) *F* : recipit *M* : recipiat *Va* : recipitur *Vb*      seu] uel *M*

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<sup>15</sup> Cf. X 5.19.6 *In civitate*; 5.19.19 *Naviganti*.

165 ultra sortem quia totum ius primi, et quoad capitale et quoad interesse, est sors  
et cedit in sortem isti secundo, quia totum illud (ius) emitur. Ergo nichil sibi  
accedit supra sortem et per consequens non est usura, quia non lucratur ex ali-  
quo usu; nam .25. quos dat pro tali iure emendo numquam reabere debet ab eo.

Preterea quod possit uendere ius .c. florenorum pro .18. et ius .c. florenorum  
cum interesse pro .25. patet propter dubium annexum, ut est superius declara-  
170 tum. Non enim do .25. modo cum intentione habendi plus | in posterum ex solo  
lapsu temporis set propter dubium emergens in tempore, et ideo si lucrabor, lu-  
crum receptum est michi licitum, non ratione temporis set ratione periculi super  
me suscepti in tempore; et ideo iura dicunt quod tale lucrum est pretium peri-  
culi suscepti in tempore et non pretium temporis.

175 Preterea in speciali probatur quod primus potest uendere illum redditum an-  
nualem sibi datum pro merito de quo forte aliquis plus dubitat, quia illud est  
interesse propter extimationem dampni et per consequens est sibi debitum,  
scilicet, primo. Set interesse potest uendi secundum iura, quia est debitum  
uerum et non accessio, tamquam lucrum. Patet quia secundum iura recipiens  
180 iniuriam potest uendere suum interesse et tunc alius potest acquirere secundum  
iura quod non posset alias. Ymo ex dictis concludo quod primus potest uendere  
capitale per se et sibi retinere illud interesse et similiter uendere illud interesse  
et retinere pro se capitale; et similiter potest uendere totum simul.

Preterea probatur quod est licitus contractus ubi uenditur tale ius percipiendi  
185 .c. florenos cum suo interesse pro illo paruo pretio .xxv. florenorum, quia con-  
tractus uenditionis, ubi datur iustum pretium et proportionatum rei uendite,  
licitus est. Set talis est iste. Probo: iustitia pretii attendi debet a tempore con-  
tractus ut tantum detur quantum ualeat res tempore contractus. Et tantum ualere  
dicitur quantum uendi potest,<sup>16</sup> non autem quantum ualitura est nunc et pro

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165 ius *MVaVb* : *om. F*    nichil] nil *Va*    166 supra] ultra *Vb*    168 et *om. Va*  
169 patet *om. M*    170 do] dico *Va*    habere *post* intentione *del. F*    posterum]  
tempore *M*    171 lapsu] laxu *M*    emergens *Va* : mergens *FVb* : ugens *M*    173–  
74 et ideo . . . tempore *om. per homoeotel. Vb*    174 pretium] ratione pretii *Vb*  
175 speciali] -ali *F, del. et -ali. in marg. add. F<sup>2</sup>*    178 primo] creditori Petro *add. Vb*  
secundum iura *om. Vb*    180 iniuriam *om. Vb*    181 quod<sup>1</sup>] sed *Vb*    dictis] predictis  
*Vb*    182 similiter] sic *Vb*    183 et<sup>1</sup>] sibi *add. Vb*    pro se *om. Vb*    similiter] sic  
*Vb*    187 Probo *om. Vb*    188 ualeat] extimari *add. Va*    189 quantum<sup>1</sup>] res *add. M*  
autem *om. Va*    nunc] tunc *Vb*    et *om. Vb*

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<sup>16</sup> *Glossa ordinaria*, ad X 5.19.6, v. *Non valent* (Lyons, 1584), col. 1736; cf. *Dig.* 36.1.1.16, 35.2.82, and 47.2.52.29

- 190 toto tempore sequenti, quia res non debet extimari in uenditione nisi quantum  
ualet tempore contractus, alias non posses licite emere secundum equalitatem  
aliquam terram. Set nunc in illo contractu tu es ex una parte uendens ius exi-  
gendi .c. florenos quos habes a communitate recipere cum suo interesse, set tale  
ius modo tempore contractus non ualet plus quam .xxv. Ergo si tantum datur,  
195 emitur iusto pretio; <et> quod non ualet plus patet ex rationibus supradictis. Et  
etiam tu, cuius est istud ius, non habes istud ius plus carum, et non est creden-  
dum quod si plus ualeret quod tu non haberes ipsum magnum carum. Si ergo in  
tempore consequenti ex hoc empto sequitur michi aliqua utilitas, hoc est de  
sorte mea et non ultra sortem, sicut de terra, quam emo pro .c., de qua postea  
200 recolligo annuatim .x., excrescentia est de sorte mea.

- Preterea res tua ligata non ualet quantum libera. Exemplum de domo cum  
circumstantia agrauante non ualet quantum libera. Set isti .c. floreni quos ha-  
bes in communitate modo dicto, quia non potes habere ad uoluntatem tuam,  
sunt aliquo modo ligati circumstantia agrauante, ergo non ualent sicut .c.  
205 floreni liberi quos potes habere in potestate tua, set quantum ualent minus.  
Respondeo: quantum reputatur <minus> a probis et sapientibus, consideratis  
circumstantiis agrauantibus, ut periculo perdendi, labore acquirendi, et cetera.  
Ergo ex quo contractus est licitus uenditionis, ut supra probatum est sufficien-  
ter, pro .c. florenis sic ligatis et suo interesse datur pretium ut nunc a sapienti-  
210 bus appretiatur.

- Habito ergo quod talis contractus propositus est licitus et nullo modo  
usurarius, restat soluere que uidentur esse contraria supradictis. Nam primo ar-  
guunt aliqui et dicunt: "Que est causa quare primus potest recipere licite .5.  
annuatim pro .c.? Quia coactus fuit a communitate prestare .c., quod quidem  
215 est sibi dampnum, pro cuius dampni extimatione accipit illud interesse. Set si

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191 posses] possem Vb      secundum MVa : set F : om. Vb      equalitatem om. Vb  
193 habes] debes Vb      194 modo] nunc M      tempore contractus om. Vb      195 iusto]  
iusto add. per dittog. M      et<sup>1</sup> MVb : om. FVa      ualet] MVa : ualeat FVb      ex om. M  
196 etiam] quia add. VaVb      istud ius<sup>2</sup>] eum M      197 quod<sup>2</sup> om. M      ipsum mag-  
num] eum plus M      in] ex M      199 sicut] est add. Vb      200 recolligo] recolligis Vb  
.x.] patet quod add. Vb      201 tua] tuo M      ualet] tantum add. Va      domo] dono Vb  
cum in marg. suppl. F<sup>2</sup> : cuius Vb      202 agrauante] que add. Vb      ualet] tantum add. Vb  
203 potes] eos add. Vb      204 ergo] qua Vb      205 floreni om. M      habere] ad uolun-  
tatem tuam et sunt add. Vb      ualent] ualet Va      minus] modo M      206 minus  
MVaVb : om. F      207 labore] laborem Va      et cetera om. Vb      210 appretiatur  
MVaVb : appretiatur F      211 Habito] Solutio argumentorum in marg. sin. add. tertia  
man. F      212 restat] restant M : uideri post restat add. F et exp. F<sup>2</sup>      esse om. MVaVb  
212-13 Nam primo . . . dicunt] Et primo dicunt arguendo M      212 primo interlin. F<sup>2</sup>  
213 potest] potuit M      licite om. Vb      .5. om. M      214 .c.] non nisi add. M :  
respondeo add. Vb

primus non foret coactus set uolumptarie prestaret communitati cum spe uel pacto tantum recipiendi, uel si primo communitas uellet reddere capitale et nollet, tunc esset usura illud recipere ultra sortem. Set nunc ita est de secundo, quia uolumptarie intrat locum primi et uolumptarie efficitur creditor com-  
 220 munitatis cum spe recipiendi ultra sortem, ergo est usura."

Respondeo quod est uerum quod primus, qui coactus facit, si faceret uolumptarie | cum spe illius lucri committeret usuram. Set de secundo non est simile quia non intrat locum primi quoad contractum mutui, quia nichil mutuatur communitati ex hoc contractu quem facit cum primo. Nec creditor efficitur  
 225 proprie communitatis per istum contractum, cum communitas proprie non teneatur (ut debitor) sibi respondere si nollet, quamuis uelit respondere (ymo, super hoc legem facit), set intrat locum suum quoad ius exigendi et percipiendi quod habet primus ex contractu facto cum communitate, quod facit per contractum qui est contractus emptionis et uenditionis et non contractus mutui.  
 230 Ergo non est simile de secundo et primo faciente seu [prestante] mutuante uolumptarie communitati, (ut supra declaratum est).<sup>17</sup>

Set in hoc est deceptio quod quia effectus sequens in facto (in) sic contrahente cum primo quoad dampnum uel commodum uidetur esse idem, sicut si iste secundus intraret illum contractum mutui uolumptarie cum communitate;  
 235 ideo ex hoc credunt eundem contractum esse secundi cum communitate, sicut primi uolumptarie mutantis.

Set hoc non debet mouere quia inuenio in aliquibus contractibus simile per omnia in effectum dampni uel commodi et tamen unus est licitus (et) alius illicitus et usurarius ex diuerso modo contrahendi, quo sunt diuersi contractus.

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217 primo] prima Vb      218 usura] usurarius Vb      nunc] non Va      219 uolumptarie<sup>1</sup>] uoluptate F, -te exp. et -rie in marg. add. F<sup>2</sup>      uolumptarie<sup>2</sup>] uoluptate F, -te exp. et -rie sup. lin. add. F<sup>2</sup>      221 quod<sup>2</sup>] si M      qui ... si om. M      222 illius MVaVb : istius F      lucri] quod add. M      223 locum MVaVb : lectioni (!) F      nichil] nil Va      mutuatur] mutat F, -u- interlin. F<sup>2</sup>      224 quem] quod Vb      225 contractum] ut supra declaratum est in marg. add. F<sup>2</sup> (vid. inf. lin. 231)      cum] quia Vb      proprie om. M      226 teneatur] tenetur Vb      ut debitor VaVb : ut debetrix M : om. F      227 et om. Vb      228-29 quod<sup>2</sup> ... mutui] quod facit contractus emptionis et uenditionis non mutui M      per contractum qui om. Vb      230 et primo om. Va      prestante om. MVaVb      231 ut supra declaratum est MVaVb : om. F      232 est] extat Va      facto] secundo Va      in<sup>3</sup> MVb : om. FVa      234 iste] ille Va      intraret] iniret MVa : mouet Vb      235 ideo om. Vb      esse] est Va      secundi] et primi add. M      sicut] sic Va      235-36 sicut ... mutantis om. M      238 et<sup>2</sup> MVa : om. FVb      alius] alter M      239 et interlin. F<sup>2</sup>

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<sup>17</sup> See lines 45-113.

- 240 Verbi gratia, concedis michi mutuo .c. florenos usque ad .8. annos et ego con-  
cedo tibi domum meam, que ualet .c. florenos, ut eam inhabites per .8. annos,  
quo tempore completo, tenearis michi restituere domum meam et ego tibi pecu-  
niam.<sup>18</sup> Alio modo potest fieri ille contractus et erit alius, tamen in effectu  
commodi uel dampni erit idem. Sic uendo tibi domum meam (pro) .c. florenis,  
245 quia tantum ualet, cum ista conditione, quod in octauo anno tenearis eam michi  
reuendere pro eodem pretio si uolam. Hic patet quod quantum ad commodum  
sequens uel utile idem est in utroque et tamen primus est illicitus et usurarius et  
secundus (est) licitus et honestus. Sic est in proposito, quia licet eodem modo  
sequatur michi utile uel commodum dampnum uel profectus emendo a primo  
250 ius suum de .c. florenis quos habet in communitate sicut si uoluntarie mu-  
tuassem communitati, nichilominus alius et alius est contractus in tantum quod  
in uno tenetur ad restitutionem, in alio non, nam unus est contractus mutui (et)  
alius emptionis. Ergo non debet iudicari de uno sicut de alio; et patet etiam di-  
uersitas ex supradictis.
- 255 Ex dictis soluitur aliud argumentum quo arguunt hic esse usuram: quia  
emens a primo habet intentionem lucrandi tantum uel tantum pro centenaro,  
quia in contractu emptionis et uenditionis licitum est considerare tantum uel  
tantum pro centenaro,<sup>19</sup> sicut quilibet mercator considerat in sua mercatione,  
set in contractu mutui ex solo mutuo non est licitum considerare nec paruum  
260 nec multum pro lucro mutui. Set in hoc proposito nullum est mutuum. Ad hoc  
enim quod sit usura requiritur intentio usuraria et materia eius.

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242 michi] eam *add. M* restituere domum meam *om. Vb* : domum meam *om. M* :  
meam *om. Va* 242–43 pecuniam] reddere *add. Vb* 243 ille] iste *VaVb* erit  
*MVaVb* : est *F* effectum] tamen *add. M* 244 uel] et *Va* erit] etiam *Va* Sic] Si  
*Va* : *om. M* meam *om. Va* pro] *MVaVb* : *om. F* 245 quia] que *Vb* 246 Hic]  
Hoc *Va* commodum] modum *Vb* 247 idem] simile *Vb* usurarius] tamen *add. Va*  
et<sup>3</sup> *om. Va* : tamen *add. Vb* 248 secundus] uero *add. Vb* est *MVaVb* : *om. F*  
modo] sic *add. Vb* 250 suum *F*, *del. et suum in marg. add. F*<sup>2</sup> si *om. M* 250–  
51 mutuassem] muassem *F*, -tu- *interlin. F*<sup>2</sup> : mutuasset *M* 251 nichilominus] tamen  
*add. M* 252 alio] uero *add. Vb* et *Va* : *om. FMVb* 253 alius] uero *add. Vb*  
et] ut *Va* etiam] ratio *Va* : esse *Vb* 253–54 diuersitas] diuersitatis *Va* 254 ex] et  
*Va* supradictis] predictis *Vb* 255 dictis] predictis *Va* aliud *Va* : ad *F* : *om. MVb*  
argumentum] illorum qui *add. Va* quo *MVb* : quod *F* : *om. Va* hic] hoc *M* 257–  
58 quia in . . . pro centenaro *om. per homoeotel. M* 257 et] uel *Va* considerare]  
sperare *Vb* 258 mercatione] actione *M* 259 nec *om. Vb* paruum] parum *MVa*  
260 nec] uel *Vb* hoc<sup>1</sup> *om. MVaVb* 261 enim] autem *Vb*

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<sup>18</sup> Cf. X 3.17.5 *Ad nostram*

<sup>19</sup> Cf. Duns Scotus, *Opus Oxoniensis* 4, dist. 15, q. 2, in *Opera omnia* 18:317a–318a.

Et si dicas contra, "pecunia non potest fructum facere in pecunia quin sit usura<sup>20</sup>; set sic est in proposito," respondeo quod assumptum est falsum quia, ut communiter fit et licite, do .c. florenos uni abatie ut det michi annuatim in  
 265 tota uita mea .5. uel sex florenos.<sup>21</sup> Set bene est uerum quod pecunia mutuata ut sic non potest facere fructum in pecunia; set ego dico tibi quod nec potest facere fructum etiam in alio a pecunia ut sic ratione mutui.<sup>22</sup>

Ex hiis patet quod licet primi et secundi uarietur conditio, non propter hoc contractus secundi est illicitus, quia est alius contractus specie, qui uoluntarie  
 270 potest fieri, ut ostensum est, et licite.

Preterea contra istos quia si sponte facere se creditorem facit contractum illicitum et emptorem usurarium, ergo eadem ratione donatarium et heredem institutum extraneum<sup>23</sup> facerent illicitum creditorem, quia sunt uoluntarii, quod est absurdum.

275 Set arguunt secundo spetialiter quod non possit uendi capitale cum fructu ostendendo quod contractus non sit licitus propter uariationem conditionis per simile, dicentes de homine recipiente terram pro pignore recipiendarum dotum sue uxoris, nam tali fructus non computantur in sortem propter honera matri-

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262 contra] igitur *M* fructum] furtum *F*, del. et fructum in marg. add. *F*<sup>2</sup> 263 set] et *Vb* 264 et licite] illicite *Vb* 265 sex] pro centenario add. *Va* florenos om. *Va* 266 fructum] furtum *F*, del. et fructum in marg. add. *F*<sup>2</sup> set] quia *Va* dico] do *M* nec] nunc *F*, del. et nec in marg. add. *F*<sup>2</sup> : non *Vb* 266–67 potest facere fructum etiam om. *M* 267 fructum] furtum *F*, del. et fructum in marg. add. *F*<sup>2</sup> in] quousque add. *Vb* mutui] et add. *Va* 269 uoluntarie *MVb* : uoluntate *FVa* 270 et] qui *F*, exp. et et in marg. add. *F*<sup>2</sup> 271 istos] arguitur add. *Vb* quia om. *M* si] sic *Va* sponte] potest *Vb* facere om. *Va* 272 heredem] coheredem *Vb* 273 extraneum in marg. suppl. *F*<sup>2</sup> 274 est] esse *Vb* absurdum *MVaVb* : absurdum *F* 275–76 secundo spetialiter . . . ostendendo in marg. suppl. *F*<sup>2</sup> 276 ostendendo] commodis *Va* 277 dotum] dotium *VaVb* 278 -ri post honera del. *F*

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<sup>20</sup> Cf. Gratian, D.88 c.11 *palea Eticiens*; Duns Scotus, *Opus Parisiensis* 4, dist. 15, q. 4, in *Opera omnia* 24:240b–241a.

<sup>21</sup> Cf. Astesanus, *Summa de casibus* 3.8.11 and 3.11.5; Alexander Lombard, *Tractatus de usuris* 7.72–133, ed. Hamelin, *Un traité de morale économique*, 152–79; Innocent IV, *Commentaria super libros quinque Decretalium*, ad X 5.19.6 *In civitate*, n.2 (Frankfurt, 1570; rpt. 1968), fol. 517rb–vb; Oldradus de Ponte, *Consilia seu responsa*, consilium 207 (Frankfurt, 1576), fol. 107ra–vb; Johannes Andreae, *In quinque Decretalium libros novella commentaria*, ad X 5.19.6 *In civitate*, n.2 (Venice, 1581; rpt. Turin, 1963), vol. 5, fol. 74ra; idem, *Additiones in Speculum iuris*, 4.4 *de usuris*, super rubr. (Venice, 1576), fols. 500b–501a.

<sup>22</sup> Cf. Gerard of Siena, *Tractatus de usuris et de prescriptionibus*, q. 1, art. 2 (Rome, Biblioteca Angelica 625, fol. 211va); Johannes Andreae, *In sextum Decretalium commentaria et in titulum de regulis iuris novella commentaria*, vol. 2, fol. 63vb.

<sup>23</sup> *Inst.* 2.19.1,3–5



- monii.<sup>24</sup> Et tamen, si iste poneret alium loco sui, puta quod reciperet ab alio  
 280 quantatatem dotis et sibi daret | ius suum recipiendi dotes et terram eo modo 153v  
 quo habet ipse, et sic poneret eum in loco suo, numquid secundo fructus com-  
 putabuntur in sortem? Certe sic, quia cessat conductio que erat in primo de  
 honore matrimonii. Sic dicunt in proposito: primus, quia coactus, licite recipie-  
 bat fructum, set in secundo cessat conductio ista.
- 285 Respondeo hic ad exemplum quod adducitur. Dico quod secundus in casu  
 proposito computabit fructus terre in sortem quia tunc, si non computarentur in  
 sortem, reciperet lucrum et commodum ex sola expectatione temporis ad re-  
 cipiendum suum, cum sit certus de suo propter pignus equiualens, et sic  
 uenderetur tempus, quod est usura. Set non est sic in proposito, quia in casu  
 290 nostro nescio si consequar commodum ex dubio, et si commodum aliquod con-  
 sequar, non erit ex sola temporis expectatione, ut supra declaratum est, set ex  
 anxietate dubii et periculi in tempore, quod non potest esse in proposito, quia  
 iste est certus de eo quod habet recipere, cum habeat pignus equiualens et ideo  
 sit debitor malus quantum uult. Ipse non potest perdere de eo quod habet reci-  
 295 pere, quia iam habet equiualens et ideo merito iste non potest aliquid recipere  
 ultra sortem, cum statim habeat equiualens totius quod habet recipere, cuius  
 habet equiualens statim. Set cum emo a te ius exigendi .c. florenos quos habes  
 a communitate recipere, non das michi aliquid equiualens .c. florenis; ymo nec  
 aliquid determinatum in pecunia, quia illud ius non est pecunia, (et sic non est  
 300 simile ad propositum, ut adducitur).
- Posset tamen reduci exemplum ad propositum si debens dare michi dotes  
 daret michi fructus annuatim alicuius terre set tamen esset in potestate sua dare  
 uel non dare. Eo tunc si esset malus debitor et dubitaretur de eo tam de dote  
 quam de fructu, tunc possum totum alteri uendere et alium in totum ponere

279 si . . . sui in marg. suppl. F<sup>2</sup> alio MVaVb : eo F 282 primo] scilicet add. Vb  
 284 fructum] fructus M 285 hic] et Vb 286 fructus MVaVb : fructum F com-  
 putarentur] si add. Vb 287 reciperet] reciperent M 288 cum] tamen add. Vb  
 289 uenderetur] uenderet MVa 290 nostro] modo eo Vb consequar<sup>1</sup>] consequitur  
 Vb : licitum et add. Vb ex dubio] est dubium Va 290-91 consequar<sup>2</sup>] consequitur Vb  
 291 erit] et F, del. et erit in marg. add. F<sup>2</sup> 292 anxietate] annexione M : anxietate Vb  
 et periculi] propter periculum Vb 293-95 cum habeat pignus . . . habet recipere om. per  
 homoeotel. Vb 296 totius] illius Vb habet] habes Va cuius] cum Va 296-  
 97 cuius . . . statim om. MVb 297 cum] ego add. Vb 299-300 et sic . . . adducitur  
 MVaVb : om. F 299 est<sup>2</sup> om. Vb 300 ad] in M 301 dici post tamen canc. F  
 reduci] duci M 302 fructus] fructum Va set] si Va 303 dare] et sic add. M  
 Eo tunc si om. M : Eo om. Vb dubitaretur] dibitaretur F, -i- exp. et -u- sup. lin. add. F<sup>2</sup>  
 304 possum] possem M totum<sup>1</sup> om. Vb totum<sup>2</sup>] toto M

<sup>24</sup> X 5.19.16 *Salubriter*

305 loco mei. Set tunc talis emens non daret tibi de toto simul (quantum sola dos esset) propter dubium, et tunc staret contractus propter dubium periculi uel laborem in exigendo; et tunc idem diceretur de isto casu sicut in proposito principali.

Preterea arguunt aliqui specialiter de isto fructu siue interesse quod primus  
310 recipit, quod non possit transire in personam emptoris, saltem totaliter, quia ex uenditione tali cessat dampni extimatio uenditori, saltem pro parte. Vnde arguunt sic probando quod non conueniat istud interesse in personam emptoris pro tempore futuro post emptionem, saltem totaliter, quia, ut dicunt, istud  
315 interesse siquidem procedit ex persona uenditoris quia est extimatio eius dampni. Set ubi cessat dampnum, cessat extimatio dampni. Set postquam uendidit et pretium recepit, desinit esse dampnificatus et lesus, saltem inde et in futurum, eatenus quatenus est pretium et sic pro quarta parte .c., quia tantum est pretium, scilicet .25.

Set hic respondetur quod non propter hoc cessat extimatio dampni, quia cui  
320 propter istud quod datur, tantumdem abest quantum datur, nichil uidetur ex tali datione habere. Set uenditor, qui recipit .25., dat rem tantumdem ualentem, ergo ista .25. non uidetur habere de nouo, ergo est sicut primus.

Preterea si pretium faceret cessare dampnum, ergo et res appretiata, que tantumdem ualet, cessare fecisset. Constat autem quod primo habebat rem  
325 equiualem et tamen non cessabat dampnum nec eius extimationis petitio, ergo nec nunc.

Preterea tertio, quia istud pretium non habet ab eo a quo recepit dampnum et a quo debetur extimatio dampni set a tertia persona, non ex illo dampno set  
330 (ex) suo pacto, quia dedit alteri equiuale. Ergo non cedit in pretium et debitum dampni set cedit in pretium et debitum illius pacti propter quod datur, scilicet, in pretium obligationis que est inter emptorem et uenditorem.

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305 tibi *om. Va* : tantum *add. M* toto] to *F*, *del. et toto in marg. add. F<sup>2</sup>* quantum] quam *Vb* sola *om. Va* 306 esset *MVaVb* : est *F* staret] licitus *add. Va* 307–8 et tunc . . . principali *in marg. suppl. F<sup>2</sup>* 307 diceretur] *MVb* : dicitur *FVa* 309 aliqui] isti *Vb* siue] seu *Vb* interesse] inesse *F*, *del. et interesse in marg. add. F<sup>2</sup>* 310 possit transire] posset transferri *Va* 312 conueniat] erit *Vb* 314 siquidem *om. Vb* ex] a *M* quia] quod *Va* 315 extimatio dampni] dampnificatio *Vb* 316 recepit] recipit *M* saltem *om. M* inde *om. Vb* 317 eatenus *om. Vb* quatenus] quod *Vb* .c.] florenorum *add. Vb* 318 pretium] et sic pro quarta parte .c. *add. Vb* 319 quod] quia *Vb* i post extimatio *del. F* : existimatio *M* cui *interlin. F<sup>2</sup>* : cum *M* : tibi *Vb* 320 propter] per *M* istud] id *Va* abest] habere *M* 321 qui] quia *Va* 322 ista] istos *Vb* uidetur] uidentur *M* 324 autem] enim *Va* primo] primus *Vb* : scilicet ante uenditionem *add. Vb* 325 petitio] pretio *F*, *del. et petitio in marg. add. F<sup>2</sup>* : portio *Vb* 327 tertio] secundo *Va* recepit *MVa* : recipit *FVb* 328 set<sup>1</sup>] scilicet *Va* illo] isto *Va* 329 ex *MVb* : *om. FVa* cedit *MVaVb* : dedit *F* 329–30 debitum *MVa* : dubium *FVb* 330–31 et debitum . . . pretium et *om. per homoeotel. Vb* 330 illius] istius *Va*

Preterea probatur ex modo loquendi arguentis quia si ex .25. receptis sum  
certus de non recipiendo dampnum de quarta parte, tamen ubi primo eram du-  
bius de dampno totius et per consequens poteram sperare totum habere, modo  
335 sum certus de dampno trium partium, quod tantum manifestum est michi sicut  
| dampnum dubium totius quantitatis. 154r

Preterea cum recipio .25., do ius quod habeo ad totum tempus futurum et  
per consequens reputatur totum tempus futurum pro presenti. Ergo non potest  
distingui aliquid quod eueniat de receptione istorum .25. contra illud quod ha-  
340 beo recipere in futurum, ut sic cum supponatur iam presens. Alias non posset  
uendi aliquod futurum periculum et sic non posset securari mercatio in mari.

Item arguunt tertio aliqui sic: hic uenduntur .c. floreni cum suo interesse pro  
.25. et non tantum ius exigendi uel percipiendi, quia illud emitur quod scribitur.  
Scribuntur autem .c. floreni et cetera. Set nimis excessiuum lucrum uidetur,  
345 dare .25. pro .c., quod non contingit in securando mercantias, ubi accipitur  
conueniens lucrum; ideo uidetur hic usura et non ibi.

Preterea confirmatur quia totum hoc uidetur esse ex pacto, quia ex scripturis  
que fiunt de hoc siue ex obligatione sindici, qui obligatur ad ista ex scripturis  
factis, scilicet, dare emptori, et per consequens obligatur communitas, cuius est  
350 syndicus; aliter non teneret pax inter archiepiscopum et nos, si non obligaretur  
communitas sicut syndicus. Et ex hoc uidetur infringi ista diuisio tamquam in-  
sufficiens: aut est contractus usurarius ex parte emptoris et communitatis aut  
ex parte emptoris et uenditoris, quia est dare aliquid, scilicet per scripturas  
tales.

355 Set hic respondeo quod in hoc contractu non uenduntur .c. floreni set ius  
exigendi .c. florenos, namque sic scribitur in libris communitatis quod talis de-  
bet recipere .c. florenos uel modo equipollenti. Set debere recipere .c. florenos  
non est .c. floreni nec est habere .c. florenos. Et in tali contractu dico non esse

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332 probatur] quantum *Va* 333 de<sup>2</sup> pro *Vb* primo] primus *Vb* eram] erat *Va*  
335 certus] clus *F*, *del. et certus in marg. add. F<sup>2</sup>* manifestum] malum *MVb* : maximum  
*Va* sicut] quantum *Vb* 336 dubium] dubitum *Vb* 337–41 Preterea . . . mari in  
*marg. suppl. F* : in futurum, ut sic in *marg. add. F<sup>2</sup>* 337 cum] .c. *Vb* do ius] de iure  
*Va* 339 eueniat] eueniatur *Vb* 340 recipere *om. M* supponatur] supponitur *Vb*  
iam presens *om. Vb* 342 tertio *interlin. F<sup>2</sup>* : Tertio in *marg. dex. add. tertia man. F* : *om.*  
*Va* floreni *om. Vb* 344 autem] sed *Vb* floreni] ergo *add. Vb* nimis] minus *F*,  
*del. et nimis in marg. add. F<sup>2</sup>* 345 dare *Vb* : quia *FMVa* .25. *MVb* : .20. *FVa*  
contingit] conuenit *Vb* 347 scripturis] scriptis *Va* 348 de *om. Vb* scripturis]  
scriptis *Va* 349 communitas] uerus *add. Va* 350 archiepiscopum] Mediolanensem  
*add. Va* 351 Et *om. M* infringi *MVaVb* : infligi *F* ista] illa *M* 351–  
52 insufficiens] scilicet *add. Vb* 353 aliquid] aliud *Va* per *MVaVb* : propter *F*  
354 tales] igitur et cetera *add. Vb* 356–57 debet] habet *Va* 357 equipollenti]  
equipollenti *MVb* 358 est *MVb* : sunt *FVa* nec] hoc *add. M* tali] hoc *M* esse]  
est *VaVb*

excessuum lucrum; ymo datur ibi equiualens pro equiualeanti, ut patet ex  
360 supradictis.<sup>25</sup>

Ad confirmationem dico quod syndicus non est factus ad faciendum contractum aliquem inter communitatem et emptorem, set solum ad faciendum firmum esse contractum inter emptorem et uenditorem ut, ipso facto etiam inuito uenditore, emptor habeat ius suum quod emit ab eo. Et ad hoc sunt omnes  
365 scripture que fiunt super hoc et non ad faciendum nouum contractum cum communitate. Modo syndicus communitatis inter nos et archiepiscopum factus fuit ad faciendum contractum pacis nomine communitatis cum eo, et ideo tenet, et si non fuisset factus ad hoc, non teneret, et ideo illud non ualeat. Nec infringitur diuisio supraposita quin sit sufficiens, cum etiam secundum te, si syndicus  
370 aliquid faceret, faceret nomine communitatis, set non est positus, ut dictum est, ad faciendum nouum contractum cum communitate. Nec ego cum sindico facio nouum contractum set ipse syndicus obligatur per legem maiorum facere sic et sic ad firmitatem contractus inter emptorem et uenditorem.

Item arguunt quarto quia, ut dicunt, iste contractus est certus et nullo modo  
375 dubius quia est uallatus tot legibus, tot scripturis, et tot catenis, quod non uidetur quod possit alico modo haberi dubium. Ergo cum sim certus de lucro magno pro parua pecunia, uidetur ex solo lapsu temporis hoc lucum consurgere et sic usura.

Respondeo: dicitur quod magnum est dubium, quod satis apparet ab illis qui  
380 ibi habent. Quare enim aliquando ualeat plus, aliquando minus, nisi propter maius uel minus dubium uno tempore quam alio? Et multi sunt ibi labores et expense, ut dicunt experti.

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362 faciendum] facendum *F*, *del. et faciendum in marg. add. F*<sup>2</sup> 363 inter in *marg. suppl. F*<sup>2</sup> etiam] et *Va* 366 communitate] communeitate *F*, *-e. del. F*<sup>2</sup> nos *om. M* et] ad *add. Vb* factus *F*, *del. et factus in marg. add. F*<sup>2</sup> : *om. MVb* 368–69 infringitur] *MVb* : infligitur *F* : in allegata dicta (!) *Va* 369–70 quin sit . . . dictum est in *marg. suppl. F*<sup>2</sup> 370 aliquid *om. M* faceret<sup>2</sup>] similiter *add. MVb* 371 facio post ego *del. F* 372 maiorum] maioris *VaVb* 372–73 et sic] quod sit *Vb* 374 Item *MVaVb* : Iterum *F* quarto *interlin. F*<sup>2</sup> : Quarto *add. marg. dex. tertia man. F* 375 et *om. VaVb* 376 modo *om. Vb* haberi] habere *Vb* 377 pro] cum *Vb* lapsu *corr. e* lpapsu (*-p. del.*) *F* 377–78 consurgere] surgere *Vb* 378 sic] sit *M* 379 dicitur *om. MVb* satis *om. M* 379–80 ab illis qui ibi habent *om. M* : ibi *om. Vb* 380 Quare] quia *MVa* enim *om. M* ualeat] ualent *M* plus] et *add. M* nisi] et hoc *M* 381 uel] et *Vb* uel minus *om. M* ibi *om. M* 382 experti] et propter hoc multi se subiecti habent *add. M*

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<sup>25</sup> See lines 184–210.

Est ergo considerare in hac materia quattuor puncta. Primum considerare substantiam contractus: quomodo est contractus uenditionis et non mutui, ut  
 385 supra declaratur, ex quo soluuntur argumenta eorum qui primo arguunt. Est secundo considerare quomodo in hoc contractu uenditur tam ius ad capitale quam ad interesse simul, ita quod cedunt simul in sortem emptori eo modo quo iuste primus habebat, set per alium contractum distinctum specie. Ideo argu-  
 390 menta secundo arguentium non procedunt. Est tertio considerare quomodo distinguuntur ius exigendi .c. florenos et .c. floreni, quia non sunt idem, cum unum sit sine alio, et unum est maioris ualoris alio, ex quo soluuntur (argumenta) tertio arguentium. Est quarto considerare dubium quod emens incurrit in illo contractu circa ius exigendi uel percipiendi illam pecuniam quod emit a uenditore, quia experientia hoc docet et sciunt omnes experti. Et sic soluuntur  
 395 (argumenta) quarto arguentium. Ex predictis possent multa alia solui, set sufficiant ista pro modo.

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383 Est ergo] Epiloga complectens totum dubium *in marg. dex. add. tertia man. F* Pri-  
 mum] Primo *M* considerare *om. M* 384–85 ut supra declaratur *om. M* 385 ar-  
 guunt] arguebant *M* 386 ad *om. MVb* 387 ad *om. MVb* cedunt] cadunt *MVb*  
 emptori] emptoris *Vb* 388 iuste] in se *Va* distinctum specie *marg. F<sup>2</sup>* 388–  
 89 Ideo . . . procedunt] Et ex hoc non ualent argumenta secundo arguentium *M* 389 pro-  
 cedunt] ualent *Vb* 390 et .c. floreni *om. Va* 391 argumenta *MVaVb : om. F*  
 392 arguentium *MVaVb : arguentes F* emens] omnis *M* illo] isto *Va* 393 ius]  
 illius *add. Vb* illam] istam *Va* quod] quam *VaVb* 394 omnes *om. Vb*  
 395 argumenta *MVaVb : om. F* quarto arguentium *MVa : quarto arguentes F : alia Vb :*  
 Explicit determinatio egregii doctoris magistri Francisci de Empoli ordinis minorum super  
 materia montis communitalis Florentie. Orate pro eo *add. Vb* 395–96 Ex predictis . . .  
 pro modo *om. Vb* 395 possent] possunt *M* 396 modo] Deo gratias. Amen *add. M :*  
 Explicit questio del monte disputata et composita per magistrum Franciscum de Empoli  
 ordinis fratrum minorum in sacra pagina profexorem eximium *add. Va*

# MENTAL EXISTENCE IN THOMAS AQUINAS AND AVICENNA\*

Deborah L. Black

Traditionally it was the case that in philosophical circles, when the name of Thomas Aquinas was raised, the doctrine that would most readily come to mind was the distinction between essence and existence and the related claim that the act of existence (*esse*) rather than Aristotelian form is, in the oft-cited words of the *Disputed Questions on the Power of God*, “the act of all acts” and “the perfection of all perfections.”<sup>1</sup> Thomism more often than not meant “existential Thomism,” and Aquinas’s interpreters emphasized the centrality of this insight for virtually all aspects of his philosophy.

It was, of course, recognized by existential Thomists—at least the most historically sensitive among them—that the distinction between essence and existence itself, as an addition to the basic Aristotelian metaphysics of form and matter, was not a Thomistic innovation but primarily one of the many legacies bequeathed to Aquinas by his Islamic predecessor Avicenna (Ibn Sīnā, 980–1037).<sup>2</sup> From the early *De ente et essentia* on, Aquinas adopted Avicenna’s

\* This article is dedicated to the memory of my mother, Mary Rita Heffernan. Earlier versions of this paper were presented at the 31st International Congress on Medieval Studies, Western Michigan University, Kalamazoo, and at the Medieval Institute in the University of Notre Dame.

<sup>1</sup> Thomas Aquinas, *De potentia* 7.2 ad 9: “Unde patet quod hoc quod dico *esse* est actualitas omnium actuum, et propter hoc est perfectio omnium perfectionum” (ed. P. M. Pession, in *Quaestiones disputatae*, vol. 2 [Turin, 1953], 192).

All citations of Aquinas are from the new Leonine edition, or from the Marietti edition where no Leonine edition is available, with the following exceptions: I have used the revised Ottawa edition of the *Summa theologiae* (Ottawa, 1953), and for the *Super librum de causis expositio* I have used the edition of H. D. Saffrey (Fribourg and Louvain, 1954). In the case of Aquinas’s commentary on Aristotle’s *De anima*, I have included references to both the Leonine and Marietti editions; and for the *De unitate intellectus contra Averroistas* I have included the section numbers of the edition of L. W. Keeler (Rome, 1936) as well as the pagination of the Leonine edition.

<sup>2</sup> For general discussions of Aquinas’s dependence upon Avicenna in his metaphysics, see John F. Wippel, “The Latin Avicenna as a Source for Thomas Aquinas’s Metaphysics,” *Freiburger Zeitschrift für Philosophie und Theologie* 37 (1990): 51–90; and David B. Burrell, “Aquinas and Islamic and Jewish Thinkers,” in *The Cambridge Companion to Aquinas*, ed. Norman Kretzmann and Eleonore Stump (Cambridge, 1993), 60–84, esp. 62–70.

arguments for the distinction between essence and existence as his own, along with a related Avicennian doctrine that became pervasive throughout the later medieval period, namely, that of the "common nature."<sup>3</sup> While Aquinas later took issue with certain difficulties that he perceived within the Avicennian formulation of the essence-existence distinction, it remains true that this core element in Aquinas's philosophy was thoroughly Avicennian not only in its origin but also in the general contours of its development within Aquinas's philosophical and theological writings.

It can hardly be said, however, that this "existential" side of Thomism remains prominent today among practicing scholars of medieval philosophy, in particular those working within the analytic tradition. Other areas of Aquinas's philosophy and of medieval philosophy in general that have been perceived to have more in common with the interests of contemporary philosophers have tended to predominate. Ironically enough, one such topic that is of much current interest is also one in which Aquinas and his predecessor Avicenna deployed the basic essence-existence distinction in ways that reflect both their common philosophical commitments and the fundamental differences that separate them. But few philosophers who have taken up this aspect of Aquinas's philosophy in recent years have attended much either to its Avicennian roots or to its dependence upon the basic metaphysical distinction between essence and existence.

The topic to which I refer is that of medieval cognitive psychology. Recent work in this field has shown a resurgence of interest in topics relating to the devices and mechanisms whereby human beings perform their cognitive acts—sensible and intelligible species, intentions, concepts, and mental words—all of them central and familiar notions not only in Aquinas's theory of knowledge but also in that of a majority of authors in the later Middle Ages.<sup>4</sup> And like

<sup>3</sup> The date and place of composition of the *De ente et essentia* are generally accepted as Paris, 1252–56. See Jean-Pierre Torrell, *Saint Thomas Aquinas, Volume 1: The Person and His Work*, trans. Robert Royal (Washington, D.C., 1996), 348. Aquinas's dependence in this work upon Avicenna's *Metaphysics* was definitively established by M.-D. Roland-Gosselin in his edition and commentary on the text, *Le "De ente et essentia" de S. Thomas d'Aquin* (Paris, 1948).

<sup>4</sup> The most recent study which includes Aquinas is Robert Pasnau, *Theories of Cognition in the Later Middle Ages* (Cambridge, 1997); other studies pertaining to the medieval period as a whole include Katherine H. Tachau, *Vision and Certitude in the Age of Ockham: Optics, Epistemology and the Foundations of Semantics, 1250–1345* (Leiden, 1988); Claude Panaccio, "From Mental Word to Mental Language," *Philosophical Topics* 20, no. 2 (1992): 125–47; Leen Spruit, *"Species Intelligibilis": From Perception to Knowledge. Volume One: Classical Roots and Medieval Discussions* (Leiden, 1994); and Martin M. Tweedale, "Mental Representations in Later Medieval Scholasticism," in *Historical Foundations of Cognitive Science*, ed. J.-C. Smith (Dordrecht, 1990), 35–51.

modern philosophers, when addressing these topics medieval authors too were concerned with basic issues about the directness and immediacy of our knowledge of the world around us, issues that go under the now-familiar labels of realism versus representationalism. My intention in the present study, then, is to examine these areas of more recent interest in medieval cognitive psychology in the light of the traditional theme of the distinction between essence and existence with specific reference to one aspect of that distinction, namely, the peculiarly mental order of existence, *esse in intellectu*.

A comparison between Thomistic and Avicennian cognitive psychology on this topic is not only timely but also of interest in its own right because of the tensions between Avicenna's and Aquinas's basic philosophical commitments in the areas of human nature and human knowledge. Despite the great debt that Aquinas owes to Avicenna in the formulation of many of his philosophical principles, in their theories of mind and cognition Avicenna and Aquinas almost always come down on opposite sides of the fence: Avicenna is an avowed dualist who rejects the mind's essential dependence upon images or phantasms for its intellectual operations, whereas Aquinas is a committed Aristotelian who upholds the intimacy of the mind-body connection even in the face of the intellect's subsistence, and who steadfastly adheres to the Aristotelian dictum that "the soul never thinks without an image."<sup>5</sup>

In what follows I will turn first to Avicenna and consider the basic metaphysical doctrines that constitute his principal legacy to the West in this area, as well as his peculiar account of human knowledge and its bearing upon his understanding of mental existence. I will then briefly consider Aquinas's adoption of the Avicennian metaphysical framework before turning to his rather different account of human knowledge, in particular the place within it of the *species intelligibilis*, a notion wholly absent from Aquinas's Persian predecessor. What I hope will emerge from this is a recognition of how, in subtle but important ways, the mechanics implied by the intelligible species radically transformed Aquinas's understanding of the mental mode of existence that he had inherited as an integral part of the distinction between essence and existence.

## I. AVICENNA

### A. The Common Nature and the Essence-Existence Distinction in Avicenna's Metaphysics.

Avicenna's arguments for the distinction between essence and existence are inseparable from his notion of the so-called "common nature" (*natura commu-*

<sup>5</sup> Aristotle, *De anima* 3.7 (431a16–17): διὸ οὐδέποτε νοεῖ ἀνευ φαντάσματος ἡ ψυχὴ.



*nis*), or as Avicenna prefers to call it, the quiddity (ماهية, *māhīyah/quidditas*) considered simply in itself.<sup>6</sup> Avicenna considers the common nature and its modes of existence in three principal texts within his *Shifā'* (*Healing*)—book 1, chapter 5 of the *Metaphysics* (*Ilāhīyāt*);<sup>7</sup> book 1, chapter 12 of the *Isagoge*,<sup>8</sup> and book 5, chapters 1 and 2 of the *Metaphysics*<sup>9</sup>—each of which approaches the topic with a different concern in mind. The first text seeks to establish the primary concepts that the metaphysician considers in his role as the investigator of “being *qua* being”;<sup>10</sup> the second considers the status of the Porphyrian predi-cables in relation to the problem of universals; and the third considers the problem of universals again, this time from the metaphysical perspective that Avicenna believes is most strictly appropriate to it.<sup>11</sup> In each of these three contexts in which the common nature is discussed, Avicenna holds that the nature is in itself utterly indifferent to either of the two modes of existence to which it is open: the concrete existence exemplified in the everyday world of material singulars, and the mental or conceptual existence conferred upon it by a knowing mind. Indeed, in each case it is precisely because Avicenna is able to discern multiple modes of existence that he is able in turn to certify that existence is distinct from the essence or quiddity itself.

In book 1, chapter 5 of the *Metaphysics* of the *Shifā'*, these points are raised in order to establish that the science of metaphysics, as the study of being *qua*

<sup>6</sup> The term “common nature” (*natura communis*) is a Latin coinage that has some Avicennian resonances—in the *Metaphysics* of the *Shifā'* 5.1–2, the term *ṭabīʿa* (طبيعة, “nature”) is frequently employed as a synonym for the quiddity. See Avicenna, *Al-Shifā': Al-Ilāhīyāt* (*Healing: Metaphysics*), ed. Ibrahim Madkour et al., 2 vols. (Cairo, 1960), 201.9, 204.17, and esp. 207–9 *passim*, and 211.9–212.2. (Hereafter this text will be abbreviated as *Meta*.) The medieval Latin version of this text is available in the *Avicenna Latinus* series, *Liber de philosophia prima sive scientia divina*, ed. S. Van Riet, 3 vols. (Leiden and Louvain, 1977–83). Parenthetical page and line references will be given only to the Arabic text, since the Latin includes marginal references to the pagination of the Arabic. Except where otherwise indicated, all translations of Arabic and Latin texts are my own.

<sup>7</sup> *Meta*. 1.5 (29–36). This chapter of the *Metaphysics* is translated and commented upon by Michael E. Marmura, “Avicenna on Primary Concepts in the *Metaphysics* of his *al-Shifā'*,” in *Logos Islamikos: Studia Islamica in Honorem Georgii Michaelis Wickens*, ed. Roger M. Savory and Dionisius A. Agius, *Papers in Mediaeval Studies* 6 (Toronto, 1984), 219–39.

<sup>8</sup> *Al-Shifā': Al-Madkhal* (*Isagoge*), ed. Ibrahim Madkour et al. (Cairo, 1952). There is an English translation of this chapter by Michael E. Marmura, “Avicenna’s Chapter on Universals in the *Isagoge* of his *Shifā'*,” in *Islam: Past Influence and Present Challenge*, ed. Alford T. Welch and Pierre Cacia (Edinburgh, 1979), 34–56. This article also contains an excellent overview of Avicenna’s views on the essence-existence distinction and its relation to the common nature and the problem of universals (34–47).

<sup>9</sup> *Meta*. 5.1–2 (195–212).

<sup>10</sup> *Meta*. 1.1 (9.8): الموجود بما هو موجود, *al-mawjūd bi-mā huwa mawjūd / ens inquantum est ens*.

<sup>11</sup> On this point, see Marmura, “Avicenna’s Chapter on Universals,” 36–39.

being and its properties, requires the consideration of not one but two principal concepts, corresponding to the essence or quiddity on the one hand and to existence on the other.<sup>12</sup> Avicenna treats these two aspects of being as primary “ideas” (معاني, *ma’ānī/intentiones*) or “concepts” (تصورات, *taṣawwūrāt/imaginatioes*), by which he means that they are the ideas in terms of which we implicitly conceive all other ideas, and which all other ideas therefore presuppose as a precondition of their being thought by us. They are, Avicenna explains, the analogues on the level of simple concepts to Aristotle’s primary propositions, such as the law of contradiction, which form the absolutely first principles of complex judgments and demonstrative reasoning.<sup>13</sup> These two ultimately basic primary concepts are, then, the concept of “the existent” (الموجود, *al-mawjūd/ens*) and the concept of “the thing” (الشيء, *al-shay’/res*), which Avicenna identifies as linguistically equivalent, in common parlance, to the concept of the essence or quiddity.<sup>14</sup> It is the concept of the existent, however, to which Avicenna gives the most attention. For he recognizes that it is not immediately obvious that to be a thing and to be an existent are distinct. They must, however, constitute two different primary concepts, precisely because it is never evident upon examining any given quiddity or essence, such as humanity or horseness, whether, or rather how, that quiddity exists. This is because existence admits of two distinct modes, one the familiar mode of existence in the concrete singulars in the material world around us (في الاعيان, *fi al-a’yān/in singularibus*)—which is what we usually mean when we ask whether some quiddity exists—and the other the existence of that quiddity or nature in souls (في الانفس, *fi al-anfus/in anima*).<sup>15</sup> This second mode of existence is none other than mental existence: it reflects the idea, traceable ultimately to Aristotle’s *De anima*, that when any nature is cognized, either through sensation or by an intellect, the form of that thing is in some way in the soul.<sup>16</sup> On Avicenna’s construal, then, to say that some thing is in the soul is to say that an essence or quiddity *exists* in some way in that soul. Avicenna is emphatic that this is truly a mode of existence or being, and that as such it is completely

<sup>12</sup> Avicenna adds to these two primary concepts the modal concept of the necessary, which lies outside the scope of our concerns. For discussion of this, see Marmura, “Avicenna on Primary Concepts,” 233–35.

<sup>13</sup> *Meta.* 1.5 (29.5–30.5).

<sup>14</sup> *Ibid.* (31.2–4). What Avicenna seems to mean by this is that whenever I refer to any being as a “thing,” I am indicating that I take it to be something with a determinate, identifiable nature or quiddity, rather than pointing to the simple fact that it is.

<sup>15</sup> *Ibid.* (31.10–32.2).

<sup>16</sup> Aristotle, *De anima* 3.8 (431b26–432a3). In *Meta.* 8.6 (356.17–18), and in one of his latest works, *Al-Ta’līqāt (Notes)*, ed. A. R. Badawi (Cairo, 1973), 162.13, Avicenna explicitly identifies “formal existence” (الوجود الصوري, *al-wujūd al-ṣuwarīy*) with “intellectual existence” (الوجود العقلي, *al-wujūd al-‘aqlīy*).

on a par with concrete existence in the external world. Neither one nor the other mode is less “realized” (المحصل, *al-muḥaṣṣal*) or “established” (المثبت, *al-muthbat*) than the other, to use Avicenna’s own synonyms for the existential order.<sup>17</sup> Avicenna adds that mental existence comprises the quiddity’s existence not only in the intellect (الغفل, *al-‘aql*) but also in the estimative faculty (الوهم, *al-wahm*), by which he probably means the entire sensitive soul, comprising the five external and the five internal senses.<sup>18</sup> This means that the natures or quiddities of even such fictional beings as phoenixes and unicorns do indeed exist, although they have only a mental, and not a concrete, mode of existence.<sup>19</sup> In fact, Avicenna argues on the basis of this point that although essence and existence are distinct, existence is a necessary concomitant of essence, that is, there is no such thing as an authentic, possible essence that does not exist somewhere, even if only in a mind or soul: “The concept of existence always necessarily follows [the concept of thing], because the thing is either existent in singulars or it is existent in the estimation and the intellect.”<sup>20</sup> But we cannot tell whether any thing is realized in concrete, material reality, or whether it is merely fictional, simply by examining the content of that essence itself.

In Avicenna’s two main discussions of the common nature and the problem of universals, he also puts mental existence on a par with conceptual existence as part of his overall assertion that essence is utterly indifferent to existence and therefore utterly distinct from it. In the discussion of the predicables in *Isagoge* 1.12, Avicenna remarks that the universal generic concept “animal,” for example, “is in itself a concept (معنى, *ma‘nan*), whether it be existent in singulars (في العيان, *fi al-‘ayān*) or conceptualized in the soul (مُتَصَوِّرًا فِي, *mutaṣawwaran fi al-naḥs*).”<sup>21</sup> In *Metaphysics* 5.1, Avicenna again emphasizes the nature’s equal indifference to either mode of existence, arguing that “in itself and in its reality, [the nature] is devoid of any other condition, even if it be conjoined with a thousand conditions externally.”<sup>22</sup> We may take this to mean that horseness may be found qualified by the property of black-

<sup>17</sup> *Meta.* 1.5 (31.3). See Marmura, “Avicenna on Primary Concepts,” 225, for a discussion of the *kalām* background to these texts.

<sup>18</sup> The view of the estimative faculty as comprising and controlling the entire sensitive soul is both explicitly defended and implicitly assumed in a number of passages in Avicenna’s psychological writings. For discussion of the point, see my “Estimation (*Wahm*) in Avicenna: The Logical and Psychological Dimensions,” *Dialogue* 32 (1993): 219–58, esp. 227.

<sup>19</sup> For a critical examination of Avicenna’s views on fictional beings, see my “Avicenna on the Ontological and Epistemic Status of Fictional Beings,” *Documenti e studi sulla tradizione filosofica medievale* 8 (1997): 425–53.

<sup>20</sup> *Meta.* 1.5 (32.4–5).

<sup>21</sup> *Isagoge* 1.12 (65.11–12).

<sup>22</sup> *Meta.* 5.1 (204.7–8).

ness in Black Beauty or grayness in the Old Gray Mare, two properties that pertain to its existence in concrete individual horses. But however often horse-ness comes to exist in reality or in minds, in itself it remains always the same:

But [horseness] in itself is nothing at all but horseness. It is in itself neither one nor many, neither existent in concrete singulars nor in the soul, nor in anything among these [existents], neither potentially nor actually, with respect to what is intrinsic to horseness, or rather, inasmuch as it is just horseness.<sup>23</sup>

These, then, are the basic tenets of Avicenna's understanding of the essence-existence distinction: the common nature, the essence or quiddity taken in itself, is constituted solely by the properties definitive of it, properties that are unaffected by whatever further qualifications attach to it in either mental or concrete existence. And just for that reason, the common nature itself is able to come into existence, without affecting its essential features, in either minds or in individual material things. The nature itself remains the same in both these existential "places." There are, however, some further complications in this picture that are relevant for the understanding of mental being. These complications are introduced by the simple fact that the minds and sensitive faculties "in" which mental existence takes hold are of various sorts, and thus they themselves constitute distinct instances of the nature's concrete existence. Therefore, mental existence extends all the way from the minds of God and the other separate intellects to the individual minds and sense-faculties of particular human beings (and perhaps animals as well, although Avicenna ignores this complication). Thus, in order to understand fully the Avicennian conception of mental existence, it will be necessary to consider in more detail how mental existence is manifested in separate, immaterial intellects, and how it is manifested in the cognitive faculties of human knowers.

#### *B. Mental Existence in the Divine and Human Intellects.*

One reason for Avicenna's assumption that conceptual being is existentially on a par with concrete being may be his tendency to identify the existence of natures in the mind of God as a form of conceptual or mental being. In both the *Isagoge* and the *Metaphysics* of the *Shifā'* Avicenna alludes to a mode of being which he calls "divine existence" (الوجود الإلهي, *al-wujūd al-ilāhīy/divinum esse*) in the *Metaphysics*, identifying it with the providence (عناية, *'ināyah/intentio*) of God.<sup>24</sup> For while Avicenna is well known for his denial of divine providence over particulars, he does not deny divine providence over creation

<sup>23</sup> Ibid. (196.10–13).

<sup>24</sup> Ibid. (205.2–4).

in general.<sup>25</sup> Genera and species are included under a providential order in Avicenna's system, and only those particulars individuated by matter escape direct inclusion under that order. As Avicenna says in *Metaphysics* 5.1, "the cause for [the nature]'s existence insofar as it is an animal is the providence of God; as for its being accompanied by matter and accidents and this individual, even if this is through (ب, *bi-*) God's providence, it is because of (بسبب, *bi-sabab*) the particular nature."<sup>26</sup>

The nature's divine providential being refers for Avicenna to the familiar doctrine, also upheld by Aquinas, that every nature or essence that comes to be exemplified in real, concrete singulars somehow preexists as an idea in the divine mind. On Avicenna's understanding, God then creates the world through the mediating activity of the lesser separate intellects or angels in accordance with the familiar emanational scheme adopted from a hybrid of Greek Neoplatonic sources.<sup>27</sup> This creation is in turn understood in accordance with the model of knowledge, in this case the productive knowledge that is characteristic of artisans, "because the relation of all existing things to God and the angels is [the same as] the relation of the artifacts we have to the productive soul."<sup>28</sup>

In the *Metaphysics* Avicenna takes the quiddity's divine existence in God's providential understanding to be identical with the common nature itself: "But animal taken along with its accidents is the physical thing, whereas taken in itself it is the nature whose existence is said to be prior to natural existence, . . . and it is that whose existence is characterized as divine existence."<sup>29</sup> In the *Isagoge*, where the causal relations between divine, concrete, and conceptual being are considered more fully, divine existence is again treated as a type of conceptual existence. Here Avicenna notes that it is possible to view the causal function of the nature's mental existence from two different perspectives, depending upon whether the mind in question is divine or human. In the first case, the nature's existence in a mental mode of being is "prior to multiplicity" (قبل الكثرة, *qabla al-kathrah*), that is, it is prior to the nature's instantiation in multiple individuals. From this perspective, it is the form or nature as "understood" (الصورة المعقولة, *al-ṣūrah al-ma'qūlah*) by the divine intellects that func-

<sup>25</sup> See especially *Meta.* 8.6 (358.7–362.11) for Avicenna's famous claim that God knows particulars "in a universal way" (على نحو كلي, *alā naḥw kullīy*, 359.12–13). For discussion, see Michael E. Marmura, "Some Aspects of Avicenna's Theory of God's Knowledge of Particulars," *Journal of the American Oriental Society* 82 (1962): 299–312.

<sup>26</sup> *Meta.* 5.1 (205.2–4).

<sup>27</sup> Avicenna's version of the theory of emanation is presented in book 9, chapters 1–5, of the *Metaphysics* of the *Shifā'* (373.1–414.13); chapter 4 contains the principal account of the emanation of the separate intelligences and human souls (402–9).

<sup>28</sup> *Isagoge* 1.12 (69.10–11; trans. Marmura, "Avicenna's Chapter on Universals," 50).

<sup>29</sup> *Meta.* 5.1 (204.16–205.2).

tions as the cause for its subsequent existence in concrete singulars.<sup>30</sup> In the second and more familiar case, the nature exists first in the realm of concrete singulars, and only afterwards does it come to be conceived in an intellect, as happens in the normal course of human knowledge:

But the thing which is the nature of the understood genus may occur in two ways: for sometimes it is first understood and then it is realized in singulars, that is, in external multiplicity. . . . And sometimes it may be realized in singulars and then be conceptualized in the intellect. . . . In sum, the understood form may sometimes be a cause in some way of the occurrence of the form existent in singulars, and the form existent in singulars may sometimes be a cause in some way of the understood form, that is, it only arises in the intellect after it has been realized in singulars.<sup>31</sup>

It is easy to see why Avicenna assumes that the nature's divine existence must constitute a type of mental being. As we have seen, for Avicenna existence is a necessary concomitant of the essence even though the two are distinct, and thus it follows that every truly possible quiddity must always be found in one of the two existential orders; and since Avicenna upholds the existential dependence of all beings upon God and the other separate intellects, all real quiddities must preexist in the divine intellect in some way. Since they cannot be concrete singulars in virtue of their existence in a mind, the only alternative is for their divine existence to be a form of mental being. So, if there were any order of priority between the two existential modes, it would be mental being, not concrete being, that would claim priority in the Avicennian system.<sup>32</sup>

This latter point, however, applies only to mental existence in the divine intellect. As a general principle, the parity of conceptual and concrete being is observed by Avicenna throughout his discussions of the common nature. There is a sense, however, in which concrete existence can be viewed as having some

<sup>30</sup> See *Isagoge* 1.12 (69.11–13): "What is in the knowledge (علم, 'ilm) of God and the angels of the reality (حقيقة, *haqiqah*) of what is known and perceived (المعلوم والمدرک, *al-ma'lūm wa-al-mudrak*) of natural things is existent (موجودا, *mawjūdān*) prior to multiplicity, and every intelligible among them is a single intention (معنى واحد, *ma'nan wāhid*)."

<sup>31</sup> Ibid. (69.2–9; cf. Marmura, "Avicenna's Chapter on Universals," 50).

<sup>32</sup> While Aquinas too holds for the preexistence of divine ideas for all things in the creative knowledge of God, he treats divine ideas, like human intelligibles, as similitudes and instruments by which things are known, so that God's own essence functions like an intelligible species for his knowledge of what is other than himself. On this point, see in particular *Summa contra gentiles* [SCG] 1.46 and 1.53. In the latter text (n.445), Aquinas even declares the divine essence to be "the likeness of all things" (*similitudo omnium rerum*). Aquinas is aware that this expression of the likeness-relation goes against our normal way of speaking about God, but he argues in 1.29 that it is in fact more proper to liken creatures to God than the converse: "Non igitur Deus creaturae assimilatur, sed magis e converso" (n.274).

priority over mental existence when we are considering the relation between human cognitive faculties and the natures exemplified in the manifold concrete singulars of the material world around us. There are two reasons for this. The first, to which I shall return shortly, is because there is some temporal priority of the concrete singular over its conceptualization, since, in the language of the *Isagoge*, the universal being that the quiddity has in human minds is a form of existence “after multiplicity” (بَعْدَ الْكَثْرَةِ, *ba‘da al-kathrah*),<sup>33</sup> where multiplicity again refers to the multiplicity of concrete singular instances of the nature, to the particular horses and human beings we encounter around us. The second reason is that humans, unlike separate intellects, are intelligent beings who are themselves instances of the nature “humanity,” each of whom possesses faculties in which the mental existence of other quiddities can be exemplified. This means that the quiddity’s mental existence in human minds can also be viewed as a special type of concrete, individual existence. Simply put, my idea of “horse” or of “human being” is my idea, and it is numerically distinct from your idea of the same nature. So our individual ideas are themselves concrete instances of universalized natures, insofar as they exist in many different individual minds. Thus, although Avicenna holds that “universality” is the principal property conferred upon the nature in virtue of its mental existence in human minds,<sup>34</sup> those human minds are themselves individuals, and the quiddity as a form inhering in a human mind is a singular thing in virtue of the singularity of its subject, just as much as the paleness inhering in my skin is a distinct singular instance of “whiteness” from the paleness inhering in Socrates’ skin:

Insofar as this form is a disposition in a particular soul, it is one of the individual sciences or concepts. For just as something may be a genus and a species from different perspectives, so too it may be a universal and a particular from different perspectives. Thus insofar as this form is some form among the forms in some soul, it is particular; but insofar as many share in it, . . . it is a universal.<sup>35</sup>

These two perspectives on the quiddity’s mental existence—its universality and its particularity—are not incompatible, Avicenna continues, “because it is not impossible to reconcile one essence having community befall it in relation to many.”<sup>36</sup> As to why Avicenna is interested in the possibility of viewing the quiddity’s mental existence from the perspective of the individual mind, the discussion of this topic is immediately occasioned here by the need to dissolve

<sup>33</sup> *Isagoge* 1.12 (65.3).

<sup>34</sup> *Meta.* 5.2 (207.10–13; 209.3–8).

<sup>35</sup> *Ibid.* (209.8–13).

<sup>36</sup> *Ibid.* (209.13–14).

any paradox that might seem to be generated by the multiplicity of human minds in which the nature is capable of taking up mental existence as a universal, a one over many.<sup>37</sup> Avicenna is also interested in the ability to view the nature's mental existence as a type of individual accident because the particularity of the intelligible as an item common to my knowledge and to yours provides a foundation for the important notion of "second intentions" or second-order concepts, which the sciences of logic and psychology study, and which are of paramount concern in much of Avicenna's philosophical corpus.<sup>38</sup> But there is no evidence in these contexts of any desire to downgrade the quiddity's mental existence as a full-fledged mode of being on a par with its existence in concrete singulars. It is still the quiddity as such to which both conceptual being and concrete being, in their various manifestations, accrue.

Thus far, all the aspects of the Avicennian common nature which I have examined are accepted, indeed embraced, by Aquinas. As I will show below, not only are the basic essence-existence distinction and the recognition of a distinctive mode of *esse in intellectu* put to good use by Aquinas, but the claim that the individual instances of the quiddity's mental being ground the community of intelligibles amongst individual human minds is a key point in Aquinas's refutation of Averroism. Yet if we now go back to the first of the two reasons why concrete being appears to have a certain priority over conceptual being where human intellects are concerned—namely, because individuals outside the soul are temporally prior to our understanding of them—we run up against the central point of divergence between the Avicennian and the Thomistic theories of intellectual knowledge.

Avicenna's basic rationale here appears to be rather innocuous, and in itself it is wholly acceptable in Thomistic terms: in all of our normal cognition—save in productive, artistic activity—it is the case that we first encounter the nature

<sup>37</sup> Ibid. (208.10–210.3).

<sup>38</sup> Ibid. (210.1–3): "And the soul itself also conceptualizes another universal which unites this form with another one in this soul or in another soul; but all of them, insofar as they are in the soul, have a single definition." Cf. *Meta.* 5.1 (205.14–206.1): "And even if this form, in relation to the individuals, is a universal, in relation to the particular soul upon which it is impressed, it is an individual, for it is one of the forms which are in the intellect. And because individual souls are many in number, therefore it is possible for these universal forms to be many in number in the respect in which they are individual. And it may have another universal intelligible, whose relation to it is like its relation to an external." Avicenna adds further that once a nature has assumed mental existence in a particular soul, it can become an object of understanding as an individual in its own right: "And because it is in the power of the soul to understand and to understand that it understands, and to understand that it understands that it understands, and to compose relations of relations, and to construct many states belonging to one thing from among these relations, potentially to infinity, it is necessary that there be no end for these intelligible forms ordered to one another" (*Meta.* 5.2 [210.14–18]).



as realized in external singulars and then come to conceptualize it so that it takes on a mental being *after multiplicity*, which occurs “when one happens to see individual men and retains the human form.”<sup>39</sup> Indeed, in his elaborate and important consideration of the relationship between universality and the two modes of existence of the common nature in *Metaphysics* 5.2, Avicenna, in true Aristotelian fashion, upholds the position that although universals only exist in the mind—universality being proper to the mental mode of being—there is a real basis for universality in the concrete singular instances of the nature: “For the intelligible in the soul of a human being is what is universal, whereas its universality is not owing to its existence in the soul, but rather to its being related to many concrete or imagined singulars, the judgment (حكم, *hukm*) of which is a single judgment.”<sup>40</sup> All of this is quite standard, and once again, it is adopted by Aquinas in his own account of universals. The conflict arises, however, when we turn to Avicenna’s causal explanation of how the common nature acquires its mental being “after multiplicity.” Just what, for Avicenna, does the “after” here entail?

For Avicenna, the term “after” means just that and nothing more: it refers to the normal temporal succession of thought upon the sensible observation of material particulars, but it entails no causal connection at all between the sensible images thus culled and the resultant abstract intelligible. Indeed, Avicenna is well known for his radical modification of Aristotelian psychology through the rejection of any form of abstraction. Although Avicenna does use the language of abstraction throughout his psychology and metaphysics, and although he is willing to speak of concrete individuals as “in some way” causes for the nature’s existence as a universal in the human mind, Avicenna’s writings are full of explicit disclaimers which reject any truly causal role for images to play in the acquisition of concepts by the rational soul. Rather, Avicenna uses the term “abstraction” (تجريد, *tajrīd*) to describe not the *process* by which intelligibles are acquired but rather the *mode* of the quiddity’s mental existence in cognitive faculties. Abstraction, then, means nothing more than immateriality in its various degrees, that is, the various degrees to which the quiddity exists in the senses and the intellect in detachment from the material, individuating properties that pertain to concrete singulars.<sup>41</sup>

<sup>39</sup> *Isagoge* 1.12 (69.6; trans. Marmura, “Avicenna’s Chapter on Universals,” 50).

<sup>40</sup> *Meta.* 5.2 (209.6–8).

<sup>41</sup> See *Al-Shifā’ : Al-Nafs*, ed. F. Rahman, *Avicenna’s De anima, Being the Psychological Part of Kitāb al-Shifā’* (London, 1959), book 2, chapter 2: “It is likely that all perception (إدراك, *idrāk*) is simply the extraction (أخذ, *akhdh*) of the form of the perceived thing in some way; so if the perception is a perception of a material thing, it is the taking of its form abstracted in some way from the matter” (58.4–6). The medieval Latin translation of this text is available in the *Avicenna Latinus* series: *Liber de anima seu sextus de naturalibus*, ed.

Avicenna is, then, an occasionalist when it comes to the relation between sensation and imagination on the one hand and intellectual knowledge on the other. In the normal course of human learning, we usually need sense experience and its resultant store of images to “prepare” us to receive intelligibles. But that is exactly and only what the images do for us—we receive the intelligibles as such directly and immediately from the Agent Intellect, which is for Avicenna a separate substance and not a part of the individual human soul. Nowhere is this point put more clearly than in book 5, chapter 5 of the *De anima* of the *Shifā’*:

For when the rational soul comes into some relation with the form by means of the illumination of the Agent Intellect, something comes to be in that soul from that form which is in one respect of the [same] kind [as the form], and in another respect not [the same], in the same way as when light hits a colored object and produces in vision an impression which is not in every way of [the same] kind [as the object]. Thus the images which are intelligibles in potency become intelligibles in actuality—not they themselves but rather what is gleaned from them.<sup>42</sup>

Now Avicenna’s decidedly non-Aristotelian views on the nature of intellectual cognition no doubt reflect in part his other non-Aristotelian dualistic commitment to the intellect’s ultimate independence from the body—which he refers to as the rational soul’s “beast of burden” or “riding animal” (دابة, *dābbah*) in his more colorful moments.<sup>43</sup> But it is also a view that is intimately tied to the very notion of the essence-existence distinction insofar as this distinction depends upon the acceptance of a thoroughgoing parallelism between the common nature’s concrete and conceptual modes of existence. It is just this parallelism that allows Avicenna to assign to the Agent Intellect the role of Giver of Forms (واهب الصور, *wāhib al-ṣuwar/dator formarum*) both in his emanational account of the creation of the sublunar world and in the foregoing occasionalist account of intellectual learning.<sup>44</sup> For as the argument for the dis-

S. Van Riet, 2 vols. (Leiden and Louvain, 1968–72); marginal references are provided by the editor to the pagination of the Arabic original.

<sup>42</sup> *Avicenna’s De anima* 5.5 (235.11–16). The text goes on to extend the analogy with vision as follows: “Rather, just as the impression realized by the mediation of light from the sensible forms is not itself these forms but rather something else related to them which is engendered by the mediation of light in the receiver facing [it], so too when the rational soul views these imagined forms and the light of the Agent Intellect is conjoined to it in some way, it is prepared for the abstractions of these forms from their admixtures [with matter] to be engendered in it by the light of the Agent Intellect” (235.16–236.2).

<sup>43</sup> *Ibid.* 5.3 (222.16–223.10).

<sup>44</sup> On the Agent Intellect’s place in the scheme of emanation, see *Meta.* 9.4 (406.16–407.4); on its function as the Giver of Forms to matter, see *Meta.* 9.5 (410.1–411.9).

inction requires, every instance and every mode of the quiddity's existence counts fully as an instantiation of that quiddity. By the same token, there is no need for the quiddity to cross over from one mode of existence to another in order to be fully realized.

When applied to human cognition, this commitment translates perfectly into Avicenna's occasionalist view of the roles of sensation and imagination articulated in the passage just cited. The Agent Intellect's illumination and "abstraction" of images is not a transferal of those images to the individual's rational soul through their transformation into more immaterial entities, nor is it a case of the sensible object producing, with the help of the Agent Intellect, an abstract likeness of itself in the human intellect. While Avicenna occasionally uses the language of representation to describe mental existence, "representation," like "abstraction," is no more than a convenient and conventional label for referring to the mental existence of the nature itself, as is clear from such remarks as the following, taken from Avicenna's mature work, *Al-Ishārāt wa-al-tanbīhāt* (*Directives and Remarks*): "To apprehend a thing is for its reality (حقيقة, *ḥaqīqah*)<sup>45</sup> to be represented (متمثلة, *mutamaththalah*) in the perceiver, . . . and this reality is the very same reality as the thing external to the perceiver."<sup>46</sup> Knowledge for Avicenna is no more the acquisition of representative likenesses of the nature than it is the abstraction of such a likeness from an image. Rather, as Avicenna depicts the process, knowledge involves the reproduction and re-creation of a new instance of the quiddity in a mental, rather than a material, mode of being.

On the basis of this understanding of cognition as a new instantiation of the quiddity in a mental mode of being, Avicenna is also led to reject the classical Aristotelian conception of knowledge as the identity of knower and known, to which I will refer as the principle of cognitive identification.<sup>47</sup> Despite the fact that Aristotle explicitly formulates this principle in several passages in his *De anima*,<sup>48</sup> Avicenna charges that cognitive identification is a perverse innovation traceable to the lost *De intellectu* of Porphyry.<sup>49</sup> The immediate reason for

<sup>45</sup> This label is used as a synonym for the nature or quiddity throughout the chapter of the *Metaphysics* on primary concepts. See especially *Meta.* 1.5 (31.5–9). The pure nature or quiddity is here described as the "reality by which a thing is what it is" (حقيقة هو بها ما هو, *ḥaqīqah huwa bi-hā mā huwa*). The term is rendered in the Latin as *certitudo*.

<sup>46</sup> Avicenna, *Al-Ishārāt wa-al-tanbīhāt* (*Directives and Remarks*), ed. J. Forget (Leiden, 1892), 122.5–7.

<sup>47</sup> *Ibid.*, 178.17–181.2; and Avicenna's *De anima* 5.6 (239.1–241.4). For further discussion, see Lenn E. Goodman, *Avicenna* (London and New York, 1992), 169–70.

<sup>48</sup> E.g., Aristotle, *De anima* 3.4 (430a3–5), 3.7 (431b17), 3.8 (431b21–432a1).

<sup>49</sup> Avicenna's *De anima* 5.6 (239.3–6): "The one who has most bewildered people in this matter is he who wrote the *Isagoge* for them. For he was eager to speak imaginative, poetic, mystical discourses, by which he limited himself and his followers to the imagination. And his

Avicenna's discomfort with the theory of cognitive identification is that he understands it quite literally, that is, as requiring the intellective soul to become substantially transformed into its intelligible object while still remaining itself, an impossibility that violates the basic principles of change. Avicenna will allow that the forms of things "take up residence in the soul and adorn it," echoing Aristotle's approval of those who call the thinking soul a "place of forms" (τόπος εἰδῶν).<sup>50</sup> But the soul cannot become another actual existent because to become another thing is to be destroyed oneself. What does it mean, Avicenna wonders, to say that the soul itself *becomes* its object, or in general that any substance becomes another?

But what some say, that the soul itself (ذات النفس, *dhāt al-naḥs*) becomes the intelligibles, this is entirely impossible in my view, for I do not comprehend their saying that one thing can become another thing, nor do I understand how this could occur. For if it were by removing one form and then putting on another form, [the intellect] being one thing when accompanied by the first form and another thing when accompanied by the other form, then in reality the first thing would not become the second thing, but instead, the first thing would be destroyed, and only its subject, or a part of it, would remain.<sup>51</sup>

Avicenna's explicit concern in his polemics against cognitive identification is that the principle ultimately rests upon a misapplication of the paradigm of divine understanding to human intellects. In God and the separate substances there is a complete identity of knower and known, but "the intellect, the one understanding, and the thing understood are not a single thing in our souls."<sup>52</sup> Cognitive identification, then, is meaningful only when applied to beings whose mode of knowing is a form of self-knowing, Aristotle's "thinking of thinking" (νοήσεως νόησις).<sup>53</sup> But in addition to reflecting these overt concerns, Avicenna's rejection of cognitive identification is a natural corollary to his understanding of the mental being of the common nature as it applies to the explanation of cognition.

At first glance such a claim might seem improbable. Cognitive identification has been described as a theory of knowledge in which cognition is "a way of being," and the mental existence of the common nature can easily be understood as fleshing out the details of this cognitional mode of being: the known

books *On the Intellect* and *On the Soul* indicate this to those who are discriminating." Cf. *Ishārāt*, 180.5–9.

<sup>50</sup> Aristotle, *De anima* 3.4 (429a27–28).

<sup>51</sup> Avicenna's *De anima* 5.6 (239.10–15). Both in this text and in the *Ishārāt* Avicenna musters an arsenal of additional arguments against the theory of cognitive identification designed to illustrate the various absurdities that it entails, but these do not concern us here.

<sup>52</sup> Avicenna's *De anima* 5.6 (240.18–19).

<sup>53</sup> Aristotle, *Metaphysics* 12.9 (1074b34–35).

quiddity *becomes* the knowing mind in the sense that it becomes existent in it. But for Avicenna this way of looking at mental existence is exactly the reverse of the correct perspective. The crucial point in the traditional theory of cognitive identification is that it is the knower who somehow becomes the object known. For Avicenna, however, cognition is a way of being, but for the quiddity that is known, not for the knower.<sup>54</sup> And even then, cognition does not effect any transformation in the known object itself, if by that we mean the concrete instances of the nature in the external world, or the images of them in the sensible soul. Neither individual material singulars nor their sensible images contribute causally to the intellectual process: it is the pure quiddity itself, as indifferent to its various modes of existence, that becomes instantiated anew in every act of knowing of which it is the object.

### *C. The Function of the Common Nature in Avicennian Cognitive Psychology.*

What can be said in general regarding the explanatory function of the common nature in Avicenna's cognitive psychology? At bottom the constant thread that links the foregoing elements together in his theory is the utter separation of the essential and the existential orders. That is, Avicenna's theory as applied to cognitive processes reflects the centrality of his insight that the nature as such is completely indifferent to any of its possible modes of existence. Taken seriously, this proposition leads quite naturally to the coherentist emanationism that underlies Avicenna's epistemological as well as his cosmological system: natures preexist prior to multiplicity in the separate intellects, in particular the closest of these to us, the Agent Intellect. Those separate intellects generate emanationally all the instances of the natures, in mind as well as in matter. Each order of existence coheres with the other because each ultimately has its origin in the same place, the providential divine existence of God and the other separate intellects. Indeed, since for Avicenna the quiddity itself is utterly indifferent to every mode of existence, its actual embodiment in any of its modes of existence must be explained by a new act of creation—concrete being cannot causally produce conceptual being, because as modes of being the two orders are utterly distinct.<sup>55</sup> This is why abstraction is rejected as a process,

<sup>54</sup> See Joseph Owens, "Aristotle—Cognition a Way of Being," *Canadian Journal of Philosophy* 6 (1976): 1–11; reprinted in *Aristotle: The Collected Papers of Joseph Owens*, ed. John R. Catan (Albany, 1981), 74–80. These two ways of looking at cognitive identification are not always kept distinct, however. In this article, Owens begins the discussion of Aristotle from the perspective of the knower becoming the known (76–77), but he concludes his interpretation with reference to the mental existence of the known object in the knower with reference to Avicenna and Aquinas (80).

<sup>55</sup> There are also parallels here to Avicenna's influential views on the differences between metaphysical and physical efficient causality, only the former of which constitutes true

and why the principle of cognitive identification is untenable. The fact that quiddity  $x$  exists in concrete singulars does not explain how it can come to exist in sensible faculties, nor in turn does the existence of  $x$  in the imagination explain how  $x$  can come to exist in an intellect. One individual existent does not become another individual existent; but one and the same quiddity can come to exist an infinite number of times, just because it is not in itself an existent of any particular type.<sup>56</sup> Furthermore, because it is the very same quiddity that is existent in mental conceptualization and in concrete singulars, one can speak of that quiddity itself as the object known, and even use the language of conformity and correspondence to singulars to describe the truth of thought, although there is no direct or even indirect action of these singulars on conceptual faculties.<sup>57</sup> Nothing more than the nature itself, its existence in a cognitive faculty, and the ultimate origin of all quiddities in the divine intellects is needed to explain the representational capacities of the mind in the Avicennian system.

## II. INTELLIGIBLE SPECIES AND THE COMMON NATURE: THOMISTIC MODIFICATIONS OF AVICENNA

### A. Aquinas and the Avicennian Distinction.

Aquinas's adoption of the Avicennian distinction between essence and existence is well known and calls for only a brief rehearsal. From the early *De ente et essentia* onwards, Aquinas accepts the basic Avicennian arguments for the distinction and many of its corollaries, including the doctrine that being or existence (*ens*) is a primary concept and the use of the common nature to solve the problem of universals.<sup>58</sup> In chapter 3 of the *De ente*, for example, Aquinas provides a clear paraphrase of the Avicennian doctrine:

agency for Avicenna, since it alone involves bringing a new instance of the nature into existence. For that reason Avicenna holds that true agency can only be attributed to the causality of separate intellects, and that physical causes are merely preparatory and instrumental, i.e., they merely dispose matter so that it is suitable to receive a particular kind of form. Here as in his account of cognition, then, the paradigm of physical change cannot explain the instantiation of any quiddity into a new existent substrate. At best it explains how the conditions for such an embodiment come about. See *Meta.* 6.1–2 (259.11–268.7).

<sup>56</sup> This explains why Avicenna appears to have no need for instrumental or intermediary mechanisms in his cognitive psychology—whether they be internal mediators, such as species and mental words, or external mediators, such as instantiating images. It is the very same quiddity that is existent in a mind when known and in the singulars in the external world.

<sup>57</sup> For references to “correspondence” (مطابقة, *muṭābaqah*) in Avicenna, see *Meta.* 1.8 (48.6–7, 10–11) and 5.2 (210.8–11).

<sup>58</sup> There is, of course, a large body of literature on the question of Aquinas's adoption of a “real,” as opposed to a logical or conceptual, distinction between essence and existence in the

Understood in this sense, a nature or essence can be considered in two ways. First, absolutely, according to its proper meaning. In this sense nothing is true of it except what belong to it as such. . . . In a second way a nature or essence can be considered according to the being it has in this or that individual. . . . This nature has a twofold being: one in individual things and the other in the soul, and accidents follow upon the nature because of both beings. . . . So it is clear that the nature of man, considered absolutely, abstracts from every being, but in such a way that it prescind from no one of them; and it is the nature considered in this way that we attribute to all individuals.<sup>59</sup>

Despite this early debt to Avicenna, and the continued importance of both the common nature and the essence-existence distinction to many aspects of Thomistic metaphysics, it is also widely recognized that Aquinas, both implicitly and explicitly, took issue with Avicenna on a number of points associated with the distinction in ways that traditionally were interpreted as reflections of Aquinas's allegedly more "existentialist" bent, captured in the *De potentia*'s assertion that existence is "the act of all acts" and "the perfection of all perfections."<sup>60</sup> The most egregious of these points, particularly in Aquinas's later works, is Avicenna's description of existence as an "accident" (عرض,

*De ente*, which focuses on the issues of whether such a distinction depends upon a proof for the existence of God, and whether a real distinction can be found in any of Aquinas's predecessors, including Avicenna. I am not at present concerned with these particular issues, since they do not directly bear on the topic of mental existence, and since they reflect technical concerns that are foreign to Avicenna's own. For some discussions of these issues, see the articles by Wippel and Burrell cited in n. 2 above; see also Leo Sweeney, "Existence/Essence in Thomas Aquinas's Early Writings," *Proceedings of the American Catholic Philosophical Association* 37 (1963): 97–131; Joseph Owens, "Quiddity and Real Distinction in St Thomas Aquinas," *Mediaeval Studies* 27 (1965): 1–22; idem, "Stages and Distinction in *De ente*: A Rejoinder," *The Thomist* 45 (1981): 99–123; idem, "Aquinas' Distinction at *De ente et essentia* 4.119–123," *Mediaeval Studies* 48 (1986): 264–87; John F. Wippel, *Metaphysical Themes in Thomas Aquinas*, Studies in Philosophy and the History of Philosophy 10 (Washington, D.C., 1984), 107–61; Scott MacDonald, "The *Esse/Essentia* Argument in Aquinas's *De ente et essentia*," *Journal of the History of Philosophy* 22 (1984): 157–72; and Walter Patt, "Aquinas's Real Distinction and Some Interpretations," *The New Scholasticism* 62 (1988): 1–29.

<sup>59</sup> Thomas Aquinas, *De ente et essentia* 3 (Leonine edition 43:374.26–30, 45–47, 52–54, 68–72); trans. Armand Maurer, *On Being and Essence*, 2d ed. (Toronto, 1968), §§ 2–4, 46–47. Cf. *Quaestiones quodlibetales* 8.1.1 c.: "Dicendum quod, secundum Avicennam in sua *Metaphysica*, triplex est alicuius naturae consideratio. Una, prout consideratur secundum esse quod habet in singularibus. . . . Alia vero est consideratio alicuius naturae secundum esse suum intelligibile. . . . Tertia vero est consideratio naturae absoluta, prout abstrahit ab utroque esse. . . ."

<sup>60</sup> See n. 1 above. It should be noted that Avicenna too calls existence a "perfection." See *Meta*. 8.6 (355.14): "For existence is pure good and pure perfection" (فالوجود خير محض وكمال). *fa-al-wujūd khayr mahd wa-kamāl mahd/et ideo esse est bonitas pura et perfectio pura*).

'*arad*) of the essence or common nature, a point that Aquinas eventually comes to interpret in accordance with the distinction between the accidental categories and the category of substance.<sup>61</sup> While this point does not impact directly on the notion of mental being, the underlying rationale for Aquinas's position on the accidental character of being appears to rest upon a misinterpretation of Avicenna's commitment to the indifference of the common nature to either mode of existence, and to this extent it reflects concerns similar to those that lead Aquinas to reject Avicenna's understanding of mental existence.

In particular, Aquinas's disagreement with Avicenna on this point is usually interpreted as resting upon the belief that Avicenna upholds the ontological priority of essence over existence, or worse yet, that his position implies that there is some murky realm of free-floating non-existent essences.<sup>62</sup> Yet Avicenna is insistent that the essence is indifferent to either of its modes of existence, *not* in the sense that there is any such thing as an essence that does not exist, but simply in the sense that an examination of the quiddity alone cannot tell us anything about which mode of existence it has or what belongs to it in virtue of its having that mode of existence. Essence and existence are nonetheless inseparable for Avicenna—in his terms, existence of some sort is always and everywhere a "necessary concomitant" of the essence.<sup>63</sup>

On a closely related but subtler point, the later Thomistic polemic against the Avicennian labeling of existence as an "accident" does mirror a real disagreement between the two philosophers' metaphysical stances, one which Joseph Owens suggested long ago was implicit in the very language used by Aquinas in the *De ente*, and one which in part reflects the basis for the modifications that Aquinas introduces into his interpretation of the nature's mental mode of being.<sup>64</sup> For where the later Aquinas explicitly denies that existence can be called "accidental" to the common nature, even in his earliest paraphrases of Avicenna he passes in silence over Avicenna's brief remark that

<sup>61</sup> For discussion of this point, see Wippel, "Latin Avicenna," 70–72; and Thomas O'Shaughnessy, "St. Thomas's Changing Estimate of Avicenna's Teaching on Existence as an Accident," *Modern Schoolman* 36 (1958–59): 245–61.

<sup>62</sup> The two most extreme presentations of this charge against Avicenna are Gerard Smith, "Avicenna and the Possibles," *The New Scholasticism* 17 (1943): 340–57; and Beatrice H. Zedler, "Another Look at Avicenna," *The New Scholasticism* 50 (1976): 504–21. For a more neutral examination of Avicenna's views and their interpretation by Latin authors, see Wippel, "Thomas Aquinas, Henry of Ghent, and Godfrey of Fontaines on the Reality of Non-existing Possibles," chap. 7 of *Metaphysical Themes*, 163–89.

<sup>63</sup> See p. 50 above. For a sustained defense of Avicenna's position on these points, see F. Rahman, "Essence and Existence in Avicenna," *Mediaeval and Renaissance Studies* 4 (1958): 1–16.

<sup>64</sup> Joseph Owens, "Common Nature: A Point of Comparison between Thomistic and Scotistic Metaphysics," *Mediaeval Studies* 19 (1957): 1–14.



when viewed in its own right, the pure quiddity can be assigned a “proper being” (الوجود الخاص, *al-wujūd al-khāṣṣ/esse proprium*) of its own.<sup>65</sup>

In his discussion of the common nature in *Metaphysics* 1.5, Avicenna remarks that the “reality” (حقيقة, *ḥaqīqah/certitudo*) of the quiddity taken in itself might perhaps be called the quiddity’s “proper being,” although this concept of existence must be kept distinct from the concept of “affirmative existence” (الوجود الاثباتي, *al-wujūd al-ithbātī/esse affirmativum*), that is, from both mental and concrete existence.<sup>66</sup> This remark, like the claim that existence is an “accident,” has been interpreted as granting to the common nature itself some shadowy type being independent of its instantiation in concrete singulars and individual thoughts, thereby diluting the force of the essence-existence distinction that Avicenna has just made.<sup>67</sup> But when Avicenna’s point is read in context, no such drastic metaphysical conclusions emerge. The point being made is purely linguistic—Avicenna is merely noting that in common speech people sometimes use “the term ‘being’” (لفظ الوجود, *lafẓ al-wujūd/verbum ens*)<sup>68</sup> to refer to the nature itself rather than to the fact of existence. “Being” or “existence” is an equivocal term.<sup>69</sup> Moreover, to the extent that the nature’s proper being has any truly existential force for Avicenna himself, it is to be identified with divine existence, that is, with the preexistence of the nature in the providential knowledge of the separate intellects, a point which is explicitly stated by Avicenna in *Metaphysics* 5.1.<sup>70</sup> Nonetheless, it is clear that Aquinas himself was not comfortable with Avicenna’s linguistic observations in this re-

<sup>65</sup> *Meta.* 1.5 (31.7).

<sup>66</sup> *Ibid.* (31.5–8).

<sup>67</sup> Owens, “Common Nature,” 4: “So in the Latin translation of Avicenna, the nature of essence taken just in itself appeared as a kind of being, an *esse* that is prior to being in reality and in the mind. . . . The essence taken just in itself has then its own proper being, which is not the being of the thing in reality nor its being in the intellect. These latter two are accidental to it, while the proper being is essential to it.” For a more recent study, see Jorge J. E. Gracia, “Cutting the Gordian Knot of Ontology: Thomas’s Solution to the Problem of Universals,” in *Thomas Aquinas and His Legacy*, ed. David M. Gallagher, *Studies in Philosophy and the History of Philosophy* 28 (Washington, D.C., 1994), 16–36, esp. 24–27, 36. Gracia follows Owens’s interpretation of Avicenna’s *esse proprium* inasmuch as he takes the common nature to be “ontologically neutral” for Aquinas but not for Avicenna (36).

<sup>68</sup> *Meta.* 1.5 (31.8).

<sup>69</sup> *Ibid.* (31.8–9; trans. Marmura, “Avicenna on Primary Concepts,” 226): “For the expression ‘existence’ is also used to denote many meanings, one of which is the reality a thing happens to have. Thus, [the reality] a thing happens to have is, as it were, its proper existence.”

<sup>70</sup> See the passage cited on p. 52 above, where Avicenna states that the quiddity “animal . . . taken in itself . . . is the nature whose existence is said to be prior to natural existence, . . . and it is that whose existence is characterized as divine existence” (*Meta.* 5.1 [204.17–205.2], my emphasis).

gard, and as a result that he took care to excise this language from his general account of the common nature. It is also likely that the motivation for this was Aquinas's desire to emphasize the primacy of the existential order over the essential in a way fundamentally incompatible with Avicennian principles. But the incompatibility between Avicenna and Aquinas on this point lies not in Avicenna's supposed "essentialism," as has traditionally been held, but rather in the differences between Avicenna's and Aquinas's understanding of the nature's peculiarly mental mode of being itself. To see this we need to turn to one of the centerpieces of Aquinas's own cognitive theory, the notion of the intelligible species.

### *B. Abstraction from Phantasms and Intelligible Species.*

As is well known, Aquinas, unlike Avicenna, is fully committed to the Aristotelian dictum that intellectual knowledge depends upon sensation and imagination both for its acquisition and for its exercise—"the soul never thinks without an image." This is a recurrent theme throughout Aquinas's writings, but it is best known from the central articles in the "Treatise on Human Nature" of the *prima pars* of the *Summa theologiae*, particularly question 84, articles 6 and 7. In the former article, Aquinas affirms that the agent intellect (which is for him a faculty in the individual human soul) "causes the phantasms received from the senses to be actually intelligible, by a process of abstraction" and that therefore "on the part of the phantasms, intellectual knowledge is caused by the senses," in such a way that images function as "the matter of the cause."<sup>71</sup> Article seven contains the famous notion of the conversion to images (*conversio ad phantasmata*) in which Aquinas holds that even after the intellect has abstracted intelligibles from images, it must still rely upon images in the actual exercise of its knowledge, precisely because the proper objects of embodied human minds are the quiddities or natures of material things whose nature it is to exist in individuals possessed of corporeal matter: "Therefore, it is clear that for the intellect to understand actually, not only when it acquires new knowledge, but also when it uses knowledge already acquired, there is need for the act of the imagination and of the other powers."<sup>72</sup> Both of these points, familiar as they may be, stand out in stark contrast to the account of "abstraction" in Avicenna, in which the image is if not entirely dis-

<sup>71</sup> Thomas Aquinas, *Summa theologiae* [ST] 1.84.6 c.; trans. Anton C. Pegis, *Basic Writings of Thomas Aquinas*, 2 vols. (New York, 1945). Unless otherwise indicated, all translations of the ST are from Pegis.

<sup>72</sup> ST 1.84.7 c. The doctrine of the conversion to images is ultimately derived from Aristotle, *De anima* 3.7 (431b2).

pensable in practice then at best an accidental accessory to the intellectual process from start to finish.

In addition to this fundamental difference in the Thomistic and Avicennian approaches to the acquisition and exercise of intellectual knowledge, Aquinas also has a much more elaborate account of the psychological mechanisms by which intellectual knowledge is produced. In particular, Aquinas's development of the view that what the human mind acquires through abstraction are the "intelligible species" of things, by which those things are known, has a profound though easily overlooked effect on Aquinas's understanding of the mental existence of the common nature.<sup>73</sup> For intelligible species are entirely absent from Avicennian cognitive psychology, and indeed from the Arabic Aristotelian tradition as a whole.<sup>74</sup> Nonetheless, Aquinas consistently interprets the Avicen-

<sup>73</sup> For the purposes of this paper I am ignoring the distinction that Aquinas makes, particularly in his later writings, between the intelligible species and the mental word (*verbum*). Where this distinction is present, the *verbum*, like the species, is also treated as possessing mental being and as functioning instrumentally not objectively.

<sup>74</sup> Indeed, one of the most striking features of Aquinas's discussion of human knowledge in the "Treatise on Human Nature" is the central role that the species doctrine plays not only in Aquinas's own account of human knowledge but also in his readings of all of his predecessors. Not only Avicenna's views but also those of Averroes, and even the Platonic ideas, are read as including a notion of instrumental *species intelligibiles* and critiqued accordingly. In *ST* 1.84.3 c., for example, Aquinas treats Platonic ideas as innate intelligible species: "propter hoc Plato posuit quod intellectus hominis naturaliter est plenus omnibus speciebus intelligibilibus. . . ." (On Plato compare chapter 4 of Aquinas's *De substantiis separatis*, where *species* is used throughout as a label for Platonic ideas.) Similarly, in 1.84.4 c., Avicenna's account of the direct acquisition of intelligibles from the Agent Intellect is interpreted as involving the reception of intelligible species and thereby assimilated to Platonism: "a quo, ut ipse dicit, effluunt species intelligibiles in animas nostras, et formae sensibiles in materiam corporalem. Et sic in hoc Avicenna cum Platone concordat quod species intelligibiles nostri intellectus effluunt a quibusdam formis separatis. . . ."

Finally, as many scholars have recognized, Averroes is consistently read by Aquinas as subscribing to some doctrine of intelligible species, for example, in *ST* 1.76.2 ad 3, ad 4; 1.85.1 ad 3. For discussion of the effect of this reading on Aquinas's criticisms of Averroes, see Bernardo Carlos Bazán, "Intellectum Speculativum: Averroes, Thomas Aquinas, and Siger of Brabant on the Intelligible Object," *Journal of the History of Philosophy* 19 (1981): 425–46; and Edward P. Mahoney, "Aquinas's Critique of Averroes' Doctrine of the Unity of the Intellect," in *Thomas Aquinas and His Legacy*, 83–106. Mahoney's observation that the intelligible species is a "foreign element" introduced into Averroes by Aquinas (86 n. 4) is challenged by Lawrence Dewan ("St. Albert, St. Thomas, and Knowledge," *American Catholic Philosophical Quarterly* 70 [1996]: 121–35 at 128 n. 12), on the grounds that Averroes's *intentio intellecta* "had to do the jobs" of both Aquinas's intelligible species as well as his *intentio* (usually equivalent to the *verbum*). Neither Averroes nor Avicenna, however, introduce any instrumental mechanisms like intelligible species into their accounts of intellectual cognition. In the case of Averroes, moreover, I have shown that if there is anything that performs the function of the intelligible species, it is the *imagined* intentions or phantasms, not the intelligible intentions; see my "Consciousness and Self-Knowledge in Aquinas's Critique of

nian concept of the mental existence of the common nature as nothing but the presence of the intelligible species in a human soul.<sup>75</sup>

### *C. The Intelligible Species and the Common Nature.*

That Aquinas understands the mental existence of the common nature to be nothing but the presence of intelligible species in a mind is especially apparent from his most well-known discussion of the role of the species in human knowledge in question 85, article 2 of the *Summa theologiae*'s "Treatise on Human Nature." But a similar interpretation of mental being which holds that it is not strictly speaking the quiddity itself which takes on mental existence, but rather a likeness which is representative of it, can be found in Aquinas's *De anima* commentary without explicit reference to intelligible species.

This interpretation occurs in the course of Aquinas's comments on *De anima* 2.5 (417b21–28), in which Aristotle compares actual sensation with the exercise of knowledge. The topic of mental existence is occasioned for Aquinas by Aristotle's remark that the objects of sensation, as particulars, are external to the soul, whereas the objects of knowledge, as universals, are "in some way" (πῶς / *quodam modo*) in the soul itself. In offering his interpretation of how (*quomodo*) their existence in the soul is to be understood, Aquinas turns to the Avicennian common nature in its particular application to the problem of universals.<sup>76</sup> From the outset of his explication, however, Aquinas casts the mental being of the nature in terms of the presence of the similitude of the object known in the knower: "Every cognition comes about through the fact that the object known is in some way in the knower, namely, according to a likeness."<sup>77</sup> Despite the reference to a likeness (*similitudo*), however, Aquinas has no difficulty glossing his remark in terms of mental existence, or even strict cognitive identification: this, Aquinas claims, is precisely what is meant by the Aristote-

Averroes's Psychology," *Journal of the History of Philosophy* 31 (1993): 349–85, esp. 374–76.

<sup>75</sup> Because Aquinas still refers to the mental existence of the common nature even while interpreting that existence simply in terms of intelligible species, some prominent Thomists have continued to view "the *existence* of the known thing in the knower" as the principal Thomistic understanding of cognition. See Joseph Owens, "Aquinas on Cognition as Existence," *Proceedings of the American Catholic Philosophical Association* 48 (1974): 74–85, esp. 81. It is noteworthy, however, that most of the texts cited by Owens in this regard are early and taken from metaphysical rather than epistemological or psychological discussions.

<sup>76</sup> Thomas Aquinas, *Sententia libri de anima* [*Sent. de an.*] 2.12 (Leonine edition 45.1:115.95–116.151 [Marietti 2.12 n.378–80]). For a parallel use of the Avicennian common nature to solve the problem of universals, cf. Aquinas's *In duodecim libros Metaphysicorum Aristotelis expositio* 7.13 n.1570–71.

<sup>77</sup> *Sent. de an.* 2.12 (115.76–78 [Marietti 2.12 n.377]): "Cognitio autem omnis fit per hoc quod cognitum est aliquo modo in cognoscente, scilicet secundum similitudinem. . . ."

lian dictum that the knower and the object known are a single actuality in the activity of cognition.<sup>78</sup>

Indeed, this implicit equation of mental existence, cognitive identification, and knowledge by similitude is a characteristic feature of Aquinas's interpretation of Aristotle's general account of cognition in *De anima* 2.5. Aquinas glides smoothly from stronger identity claims to weaker similitude claims. In explaining the different ways in which sensible and intelligible objects exist in the knower, for example, Aquinas once again uses the language of similitude and representation: "Therefore it is clear that the similitude of the thing received in sensation represents the thing according as it is in singulars; but that received in the intellect represents the thing according to the notion of the universal nature."<sup>79</sup> That Aquinas takes this to represent a legitimate understanding of the mental existence of the common nature itself is evident from his allusions to the Avicennian common nature and its role in solving the problem of universals in the paragraphs that follow. The basic points of Aquinas's remarks are vintage Avicenna: although the common nature understood absolutely (*secundum se*) is sometimes loosely called a "universal," strictly speaking only when the nature exists in a mind does the "intention of universality" (*intentio universalitatis*) attach to it.<sup>80</sup> Moreover, Aquinas speaks of the *duplex esse* of the nature taken absolutely, and several times he alludes not only to the nature's *esse in rebus* but also to its *esse in intellectu*.<sup>81</sup>

Aquinas's comments in this text suggest that he saw no tension between the claims that knowledge is by similitude and that it consists in a mode of existence of the known object in the knower. It is unclear whether Aquinas simply took the equation of mental being with the possession of a likeness as the obvious way to understand the Avicennian claim that the common nature has two modes of existence, or whether he was deliberating downplaying the existential character of *esse in intellectu*. But if we turn to the central discussions of human knowledge in the *Summa theologiae*, in which the mechanisms of intelligible species and mental words play an explicit role in the account of mental

<sup>78</sup> Ibid. (115.78–79): "nam cognoscens in actu est ipsum cognitum in actu."

<sup>79</sup> Ibid. (115.88–92): "Manifestum est igitur quod similitudo rei recepta in sensu representat rem secundum quod est singularis, recepta autem in intellectu representat rem secundum rationem universalis nature. . . ." Cf. *ST* 1.87.1 ad 3: "Sicut enim sensus in actu est sensibile in actu propter similitudinem sensibilis, quae est forma sensus in actu; ita intellectus in actu est intellectum in actu propter similitudinem rei intellectae, quae est forma intellectus in actu."

<sup>80</sup> The distinction is exemplified linguistically by the contrast between abstract terms like "whiteness" and "humanity," which denominate the nature taken absolutely, and for that reason are not properly universal and not predicable of particulars, and terms like "white" and "human being," which are true universals predicable of many.

<sup>81</sup> *Sent. de an.* 2.12 (116.102–18, 139–51 [Marietti 2.12 n.378, 380]).

being, Aquinas appears even more reluctant to grant the Avicennian claim that the quiddity itself—rather than its representation via some species—can properly be said to exist in the intellect. In this context, moreover, that reluctance appears to be rooted in Aquinas's unshakable commitment to the sensible foundations of all human knowledge.

This can be seen, for example, even in the language that Aquinas uses to describe the objects of human knowledge in his account of the *conversio ad phantasmata* in the exercise of human knowledge.<sup>82</sup> Aquinas is careful not to identify the proper object of the embodied human intellect as the common nature itself, but rather to identify it as the "the quiddity or nature *existing in corporeal matter*" (my emphasis).<sup>83</sup> Because the human intellect is naturally conjoined to a material body endowed with sense organs, its proper object is not an absolute quiddity, such as "stoneness" or "horseness," but rather the quiddity insofar as it exists in material individuals or, in Avicenna's terms, in concrete singulars. The same shift in expression is once again reflected in Aquinas's *De anima* commentary, in a discussion that parallels *Summa theologiae* 1.85.2.<sup>84</sup> In this passage, which lays the foundations for an anti-Averroist argument,<sup>85</sup> Aquinas distinguishes the intelligible species from the object understood (*obiectum intellectus*) on the familiar grounds that the intelligible species is merely the instrument (*quo*) of knowledge. Here too Aquinas is careful to identify the understood object not as the nature itself but rather as the *quiditas que est in rebus*, the nature as exemplified in sensible, material things. While the shift in vocabulary may seem slight, its repercussions are fundamental. The quiddity itself ceases to be the principal object to which human intellects are directed. Rather, human intellects are directed to quiddities which are *already* qualified by the mode of concrete existence, and this mode of existence must accordingly be represented in the mind's knowledge of them. But since the quiddity as concretely existent is no longer indifferent to all other possible modes of existence, what Aquinas has identified as the object of knowledge now lacks the characteristic feature of an Avicennian common nature. Something other than the quiddity itself, then, has been granted possession of *esse in intellectu*.

<sup>82</sup> See p. 65 above.

<sup>83</sup> *ST* 1.84.7 c.: "Intellectus autem humani, qui est coniunctus corpori, proprium obiectum est quiditas sive natura in materia corporali existens. . . ."

<sup>84</sup> *Sent. de an.* 3.2 (212.239–213.279 [Marietti 3.8 n.717–18]).

<sup>85</sup> *Ibid.* (213.280–85 [Marietti 3.8 n.719]): "Ex quo patet uanam esse rationem quorundam uolencium ostendere quod intellectus possibilis sit unus in omnibus ex hoc quod idem est quod est intellectum ab omnibus, cum oporteat esse plures numero species intelligibiles si sunt plures intellectus." I consider this use of the common nature against Averroism in section D below.

That something else is, of course, the intelligible species (along with the mental word), whose status in the activity of knowing is addressed in *Summa theologiae* 1.85.2, which poses the question "Whether the intelligible species abstracted from phantasms are related to our intellect as that which is understood." In this article in particular the mental existence of the common nature is tied explicitly to two central themes in Aquinas's understanding of intelligible species: (1) the claim that the species is not itself the object understood, but that by which we understand intelligible objects; and (2) the characterization of the species as a likeness (*similitudo*) of the object known.<sup>86</sup>

Although the impact of the doctrine of the intelligible species upon Aquinas's understanding of the mental being of the common nature is principally manifested in the replies to the objections in this article, I will begin with a brief rehearsal of the body of Aquinas's reply, since it highlights the epistemological issue that the species is meant to solve in Aquinas.

Aquinas does not, of course, entertain the possibility that intelligible species need not be posited at all and for that reason alone they cannot be related to our intellect as the objects which we understand. Rather, as is characteristic of his approach throughout the "Treatise on Human Nature," Aquinas assumes that the species are a given and that they are a part of the cognitive theories of all his philosophical predecessors.<sup>87</sup> Nonetheless, Aquinas does reject the position that the intelligible species themselves can be identified as the objects of our knowledge, since he views that position as tantamount to epistemic solipsism, that is, the doctrine that "our intellectual powers know only the impressions made on them,"<sup>88</sup> and thus we only know the contents of our own minds. Aquinas associates this view with the extreme materialism of some pre-Socratic philosophers, and he argues that it is manifestly false since it fails to account for the occurrence of error.<sup>89</sup> More importantly, however, he objects to this position on the grounds that the human intellect is directed first and foremost

<sup>86</sup> The identification of both the intelligible species and the *verbum* as *similitudines* is found in numerous texts in the Thomistic corpus. For a recent discussion, see Pasnau, *Theories of Cognition*, 11–18, 86–89, and esp. 105–13.

<sup>87</sup> See n. 74 above. There are good textual reasons for Aquinas's assumption that the intelligible species is a given in the Aristotelian system, as is evidenced by the proof text which Aquinas cites at the end of the response to 1.85.2. At *De anima* 3.8 (431b29–432a1), Aristotle declares, with reference to his principle of cognitive identification, that "it is not the stone that is in the soul but its form (τὸ εἶδος)." The Latin text cited in this article of the *ST* renders τὸ εἶδος as *species*: "lapis non est in anima, sed species lapidis."

<sup>88</sup> *ST* 1.85.2 c.: Dicendum quod quidam posuerunt quod vires quae sunt in nobis cognoscitivae, nihil cognoscunt nisi proprias passiones. . . ."

<sup>89</sup> This objection against the early Greek materialists is Aristotelian. See, for example, *De anima* 3.3 (427a21–427b6).

towards things outside itself—the quiddities of material beings—and only secondarily towards itself.<sup>90</sup>

Aquinas's argument for this position in the body of the article attempts to establish how it is that the intelligible species in the soul can secure our knowledge of what is outside the soul. Aquinas holds that inasmuch as the species is a likeness (*similitudo*) of the external object understood, it is able to function as an instrument or medium which enables the intellect to know the extramental things themselves. The intelligible species, then, is "related to the intellect as that by which (*quo*) the intellect understands."<sup>91</sup> The focal point of Aquinas's argument in support of this position is a general analysis of the function played by the form of an agent in all the activities which that agent performs. Aquinas attempts to show how this analysis applies to cognition, which has the peculiarity of being an immanent rather than a transitive action. Aquinas's aim in this analysis, which has a number of puzzling features, is presumably to establish that the immanence of the act of understanding is not in itself a threat to the claim that the species can provide us with knowledge of something other than itself. The gist of Aquinas's argument is simple: agents act in virtue of their forms, and the form which is the principle of action is a likeness of the object of the action, whether that object is immanent or not.<sup>92</sup> Since the species, as "the form by which the intellect understands," is a likeness of the object known, it does not matter that it remains within the knower, for through its likeness-relation to the external object it allows us to claim knowledge of that object itself. Aquinas concludes, then, that "that which is primarily understood is the thing, of which the species is the likeness," and so "it follows that by means of its intelligible species the soul knows the things which are outside it."<sup>93</sup>

Of course this account of the nature and function of the species in cognition raises a number of difficult questions, such as whether or not the species is a

<sup>90</sup> This position is also emphasized in all of Aquinas's discussions of the soul's knowledge of itself. See, for example, *ST* 1.87.1, *De veritate* 10.8, and *Sent. de an.* 3.2 (213.264–96 [Marietti 3.8 n.718–19]).

<sup>91</sup> *ST* 1.85.2 c.: "Et ideo dicendum est quod species intelligibilis se habet ad intellectum ut quo intelligit intellectus" (translation slightly modified).

<sup>92</sup> *Ibid.*: "Et sicut forma secundum quam provenit actio tendens in rem externam, est similitudo obiecti actionis, ut calor calefaciens est similitudo calefacti; similiter forma secundum quam provenit actio manens in agente, est similitudo obiecti." Notice that here, as in the discussion of God's relation to creatures cited in n. 32 above, Aquinas reverses the order of the likeness relation from what we would normally expect. Aquinas does not say that the agent produces a likeness of itself in the object, but that the form in the agent is a likeness of the object of the action—the heat in the agent is a likeness of the heat in thing heated, rather than the converse.

<sup>93</sup> *Ibid.*: "Sed id quod intelligitur primo, est res cuius species intelligibilis est similitudo. . . . sequetur quod anima per species intelligibiles cognoscat res quae sunt extra animam."



*similitudo* of the object known in the same way that the forms of physical agents are *similitudines* of their effects, and whether or not this interpretation of the species commits Aquinas to an unacceptable form of representationalism. These questions are not, however, directly germane to the issue of how Aquinas understands mental existence. What is significant in this exposition is that once again the common nature itself emerges as neither the object understood nor the subject possessing mental existence. For Aquinas the objects of understanding are the extramental things themselves, that is, the quiddities already under the guise of their concrete mode of existence, whereas the subjects which possess mental being are the intelligible species, which alone are said to be "in the soul." These points, which are merely implicit in the body, are more clearly affirmed in Aquinas's replies to the first two objections of 1.85.2, in which Aquinas both denies that the common nature actually exists anywhere but in concrete singulars and substitutes the intelligible species for the nature as the true subject of mental existence.

The first objection in the article alludes to the Aristotelian dictum that the knower and the object known are actually identical in the act of knowing and infers from this that an Aristotelian must hold that the intelligible species are themselves the *intellecta*—the objects understood—since these are the only things in the process of understanding that can claim identity with the knower.<sup>94</sup> In keeping with the position upheld in the body of the article, Aquinas replies by allowing that the object known can be said to be in the knower inasmuch as its likeness is the form of the actually understanding intellect. Precisely in virtue of its character as a *likeness* (not a new *instance* of the object's nature in a different mode of existence), the species allows the extramental thing which it represents to be the real object known. This is in marked contrast to the Avicennian view that the quiddity or common nature itself is what exists in the intellect. For Aquinas, although we may speak as if the nature itself is in the intellect, this is simply in order to emphasize the causal links that bind the species to the thing whose quiddity it represents. But all we really mean when we refer to *esse in intellectu* is that the thing's likeness, in the form of the intelligible species, exists in us: "The thing understood is in the knower by its own likeness. It is in this sense that we say that the thing actually understood is the intellect in act, because the likeness of the thing understood is the form of the intellect. . . ."<sup>95</sup>

<sup>94</sup> *ST* 1.85.2 arg. 1: "Intellectum enim in actu est in intelligente, quia intellectum in actu est ipse intellectus in actu. Sed nihil de re intellecta est in intellectu actu intelligente, nisi species intelligibilis abstracta."

<sup>95</sup> *Ibid.* ad 1: "Dicendum quod intellectum est in intelligente per suam similitudinem. Et per hunc modum dicitur quod intellectum in actu est intellectus in actu, inquantum similitudo rei intellectae est forma intellectus. . . ." (I have used the Leonine edition's reading "Dicen-

In his reply to the second objection of this article, Aquinas likewise carefully avoids any talk of the quiddity itself actually existing in the mind. In this case Aquinas is addressing the objection that if the objects known by us are to be counted as something rather than nothing, the only place that they can exist is in the intellect, since what is outside the intellect is material and individual, not abstract and universal, and as such unintelligible.<sup>96</sup> And since the species alone fits the description of an immaterial universal object, it follows that it is the only viable candidate to be the understood object. Aquinas's reply to this objection is of special interest, since it relies heavily upon Avicenna's distinction between the common nature and the universal.<sup>97</sup> Nonetheless, Aquinas reinforces the impression that while using Avicennian concepts and Avicennian language he has repudiated the literal sense of Avicenna's notion of mental existence.

Thus, without mentioning Avicenna by name, Aquinas employs the Avicennian notion of the ambiguity of "universal" to parse the objector's use of the phrase *intellectum in actu*—"understood in act." For this can be taken to mean either the object known or the *fact* of its being known, in just the same way that "universal" may be taken to refer to the quiddity or nature itself (e.g., "humanity") or to its abstraction by the intellect with the intention of universality added to it (e.g., "human being"), only the latter of which can be said to exist in the intellect. Unlike Avicenna, however, Aquinas does not identify this mental existent as an instance of the quiddity in its own right. Rather, he is insistent that the nature or quiddity "exists only in singulars," and that the fact alone of its being understood as an abstract universal "is in the intellect." Aquinas is quite explicit on this point: "[T]he humanity which is understood exists only in this or that man; but that humanity be apprehended without the conditions of individuality, that is, that it be abstracted and consequently con-

dum quod intellectum . . ." instead of the Ottawa edition's "Dicendum quod intellectus . . .," which is clearly incorrect in this case.)

Cf. SCG 1.53 n.442, where Aquinas also insists that the external thing which is the object understood does not exist in our intellect according to its own nature but rather only through its likeness as found in both the species and the understood intention or mental word: "considerandum est quod res exterior intellecta a nobis in intellectu nostro non existit secundum propriam naturam, sed oportet quod species eius sit in intellectu nostro, per quam fit intellectus in actu. Existens autem in actu per huiusmodi speciem sicut per propriam formam, intelligit rem ipsam." Several of the same arguments as those presented in ST 1.85.2, including the analysis of immanent and transient actions, are also found in this earlier text.

<sup>96</sup> ST 1.85.2 arg. 2: "Intellectum in actu oportet in aliquo esse, alioquin nihil esset. Sed non est in re quae est extra animam; quia cum res quae est extra animam sit materialis, nihil quod est in ea, potest esse intellectum in actu. Relinquitur ergo quod intellectum in actu sit in intellectu. Et ita nihil est aliud quam species intelligibilis praedicta."

<sup>97</sup> This is essentially the same distinction as that presented in Aquinas's exposition of *De anima* 2.5, discussed at pp. 67–68 above.

sidered as universal, befalls humanity inasmuch as it is perceived by the intellect, in which there is a likeness of the specific nature, but not of the individual principles."<sup>98</sup>

These remarks, then, taken in conjunction with Aquinas's persistent identification of *esse in intellectu* with the mind's possession of an instrumental species, suggest a deliberate attempt to downplay any sense in which the common nature can be said to exist except in material singulars. Aquinas is quite happy to accept the doctrine of the nature's mental mode of being from Avicenna insofar as it provides the philosophical grounds for distinguishing existence from essence as a basic metaphysical principle. But Aquinas appears to be uneasy about asserting any parity between the two existential orders: for him "existence" properly and principally means the concrete existence possessed by the singular, material things in the world outside us.<sup>99</sup>

We have seen, however, that even for Avicenna there is one place in which the mental existence of the common nature itself impinges upon the realm of concrete existence, namely, when mental being is viewed not from the perspective of the quiddity that it instantiates but from the perspective of the human mind in which the known quiddity subsists. There is at least one context in which this aspect of the Avicennian notion of mental existence—appropriately translated into species-terms—does prove useful to Aquinas. For even though Aquinas hesitates to accept the claim that the quiddity itself actually takes up existence in the knowing mind, he is still quite ready to accept the claim that the universal likeness of the quiddity, in the form of the species, is a concrete existent multiplied amongst a variety of individual intellects. From this perspective, mental existence provides him with a key argument against a favorite philosophical nemesis, Averroes's doctrine of the unicity of the human intellect.<sup>100</sup>

<sup>98</sup> *ST* 1.85.2 ad 2: "humanitas quae intelligitur, non est nisi in hoc vel in illo homine; sed quod humanitas apprehendatur sine individualibus conditionibus, quod est ipsum abstrahi, ad quod sequitur intentio universalitatis, accidit humanitati secundum quod percipitur ab intellectu, in quo est similitudo naturae speciei, et non individualium principiorum."

<sup>99</sup> In a recent article on Aquinas's *De ente*, Joseph Owens claims that both mental existence "in a soul's activity" and concrete existence "in singular things themselves" are "genuine kinds of existence, though of different grades" for Aquinas; see "Aquinas' Distinction at *De ente et essentia* 4.119–123," 275. While this may implicitly be true for the early *De ente* and contemporaneous texts in which Aquinas follows Avicenna closely, questions of cognition are not explicitly raised in these early texts, and the topic of the intelligible species is not broached at all. In the later works which I have examined, where the common nature is discussed with explicit reference to problems of cognition, Owens's claim no longer seems applicable. Cf. Wippel, *Metaphysical Themes*, 112 n.14, who also raises the question of whether the Avicennian consideration of "the three ways in which nature may be considered continued to be so central to the later Thomas."

<sup>100</sup> Outside of his polemical texts addressed at Averroes, Aquinas seldom mentions *esse in intellectu* from the perspective of the individual mind. The most explicit reference I have

*D. Mental Existence in the Refutation of Averroism.*<sup>101</sup>

But exactly what does the notion of the mental being of the common nature add to Aquinas's arsenal of weapons against Averroes and his more sympathetic Latin interpreters? The gist of Aquinas's argument, as represented in chapter 5 of the *De unitate intellectus contra Averroistas*, is to refute what Aquinas believes to be the underlying rationale for Averroes's claim that there is only one intellect—namely, a “closet Platonism” which implicitly assumes that only a single intellect could understand the universal as a one over many.<sup>102</sup> How, the Averroist wonders, can the intelligible object (*intellectum*) in me and in you be two in number and one in species, without violating thereby the very properties—universality and immateriality—that make it an intelligible rather than an image?<sup>103</sup>

found occurs in SCG 1.46 n.392, in the course of a discussion of divine knowledge. Once again it is the intelligible species that is treated as having mental existence, not the quiddity itself, and the existence that the species does have represents a form of accidental being: “Amplius. Species intelligibilis in intellectu praeter essentiam eius existens esse accidentale habet: ratione cuius scientia nostra inter accidentia computatur.”

<sup>101</sup> I have focused my discussion on the polemical opusculum, *De unitate intellectus contra Averroistas*. But from his earliest attacks on Averroism, Aquinas uses some form of the argument based upon the mental existence of the intelligible in individual minds. See *De ente et essentia* 3 (Leonine edition 43:375.102–7): “Et quamvis hec natura intellecta habeat rationem uniuersalis secundum quod comparatur ad res extra animam, quia est una similitudo omnium, tamen secundum quod habet esse in hoc intellectu uel in illo est quedam species intellecta particularis.” See also *De veritate* 2.5 ad 15 (Leonine edition 22:64.421–24), which uses existential language to describe cognitive identification, although neither the species nor the quiddity is mentioned (“cognitio non dicit effluxum a cognoscente in cognitum sicut est in actionibus naturalibus sed magis dicit existentiam cogniti in cognoscente”); as well as *ST* 1.76.2 ad 4; and *Super librum de causis expositio*, prop. 4 (ed. Saffrey, 32.24–34.18).

<sup>102</sup> I do not believe that Aquinas accurately represents Averroes's philosophical motivations in this text or in parallel accounts. Averroes's principal argument is that if the intellect were individuated, then it would have to receive its objects in a way consonant with its nature, namely, as material individuals, a point which Aquinas does not directly address. See *Averrois Cordubensis commentarium magnum in Aristotelis de anima libros*, ed. F. Stuart Crawford (Cambridge, Mass., 1953), book 3, comm. 5 (401.424–403.472). The Averroist argument that Aquinas cites is presented by Averroes himself as a felicitous consequence of his view, not the principal argument establishing it—that is, Averroes claims that his position does not even allow that problem to arise. See *Commentarium magnum*, book 3, comm. 5 (411.707–412.728). Aquinas paraphrases this passage at *De unitate intellectus contra Averroistas* [*De unit. intell.*] 5 (Leonine edition 43:312.243–313.268 [Keeler §113]).

<sup>103</sup> *De unit. intell.* 5 (311.119–28 [Keeler §106]): “Querunt enim utrum intellectum in me et in te est unum penitus, aut duo in numero et unum in specie. Si unum intellectum, tunc erit unus intellectus; si duo in numero et unum in specie, sequitur quod intellecta habebunt rem intellectam: quemcumque enim sunt duo in numero et unum in specie sunt unum intellectum, quia est una quidditas per quam intelligitur, et sic procedetur in infinitum, quod est impossibile.” It is interesting to note the similarity between Aquinas's formulation of this ob-

As Aquinas represents the Averroist position, the crucial problem, then, is the unity of the intelligible object. Suppose two or more human minds both know the same object or *intellectum*, for instance, the nature "humanity." If the *intellectum* is a form existing in these multiple individual intellects, then that *intellectum* would in turn seem to be an individual member of another species or class in which it participates with all its counterparts in other minds. Such an *intellectum* would not be intelligible *per se* (since individual particulars are not intelligible), or it would only be intelligible in virtue of there being a more comprehensive intelligible over it that expressed *its* intelligible form. Essentially, then, we would have an infinite regress of intellects, so it would be better to assume that for the entire set of specifically different intelligible forms there is only one intellect.

On Aquinas's reading, Averroism is tantamount to Platonism in this regard because it undermines the intelligibility of the sensible world. For if "the intelligible is one immaterial species existing in the intellect," Aquinas reasons, then knowledge cannot properly be had "of sensible things," but only of "a single separate form."<sup>104</sup> This diagnosis itself echoes the shift we have seen in Aquinas's general treatment of the mental being of the common nature. Any move to give the intelligible object itself *esse in intellectu* is to be avoided. But once the intelligible species is introduced as a representational instrument of knowing, and accorded the place once assigned to the quiddity's mental being, the way is paved to salvage fully the claim that it is the quiddity in its extramental—and sole—mode of existence that is the true *intellectum*.

Thus, Aquinas argues, the "one intelligible" that is shared by all human knowers is not some single intelligible species, but "the very nature or quiddity of the thing." For "if the intelligible were not the very nature of the stone which is *in things*, but the *species* which is in the intellect, it would follow that I would not understand the thing which is the stone, but only the intention which is abstracted from the stone" (my emphasis).<sup>105</sup> If all that is in the intellect is

jection and Averroes's presentation, in a slightly different context, of an argument of Ibn Bājjah (Avempace) regarding the multiplication of intelligibles in human intellects. See *Commentarium magnum*, book 3, comm. 7 (491.335–53).

<sup>104</sup> *De unit. intell.* 5 (312.165–70 [Keeler §109]): "Si enim dicant quod intellectum est una species immaterialis existens in intellectu, latet ipsos quod quodammodo transeunt in dogma Platonis, qui posuit quod de rebus sensibilibus nulla scientia potest haberi, sed omnis scientia habetur de forma una separata."

<sup>105</sup> *Ibid.* (312.186–94 [Keeler §110]): "Est ergo dicendum secundum sententiam Aristotelis quod intellectum quod est unum est ipsa natura uel quidditas rei; de rebus enim est scientia naturalis et alie scientie, non de speciebus intellectis. Si enim intellectum esset non ipsa natura lapidis que est in rebus, sed species que est in intellectu, sequeretur quod ego non intelligerem rem que est lapis, sed solum intentionem que est abstracta a lapide." Compare this with the continuation of the passage cited in n. 104 above (312.170–76): "Nichil enim

the intelligible species—which is ontologically individual but representationally universal—then clearly it cannot be the object understood. Rather, it is the quiddity of the extramental stone itself that I know by means of the species. Once again, the Avicennian alternative, that the selfsame quiddity could actually exist in my intellect and in yours as well as in concrete singulars, is not entertained by Aquinas. Instead, Avicenna's remarks on the conceptual being of the quiddity as the accident of a particular mind are translated into the language of instrumental species. Thus, Aquinas may conclude, "It is therefore one thing which is known by me and by you, but it is known differently by me and by you, that is, by another intelligible species. Thus my understanding and yours are different, and so are my intellect and yours."<sup>106</sup> Although he cites the *Categories*, Aquinas's immediate source is an appropriately transformed Avicenna: knowledge is "singular with regards to its subject," the individual soul, even though what the intellect understands is "something universal."<sup>107</sup>

### III. CONCLUSION

By way of conclusion I would like to address briefly the implications of these modifications that Aquinas makes in his Avicennian heritage, first from an epistemological and then from a metaphysical perspective.

Aquinas continues to follow Avicenna inasmuch as he upholds the dual status of the intelligible, particularly in the context of his polemics against Averroism. Any intelligible is a singular individual when viewed from the perspective of the soul in which it inheres, whereas it is a universal insofar as it prescind from individuating matter while embodying a relation to many individuals. This much agreement is to be expected, for both Avicenna and Aquinas, however different their anthropologies of the body, hold that the intellective soul is subsistent in its own right. But unlike Avicenna, Aquinas does not view the individually existing intelligible either as the object known or as the nature itself residing in a new conceptual substratum. Rather, he views it

refert ad propositum, utrum aliquis dicat quod scientia que habetur de lapide habetur de una forma lapidis separata, an de una forma lapidis que est in intellectu: utrobique enim sequitur quod scientie non sunt *de rebus que sunt hic*, sed de rebus separatis solum" (my emphasis).

<sup>106</sup> Ibid. (312.226–30 [Keeler §112]): "Est ergo unum quod intelligitur et a me et a te, sed alio intelligitur a me et alio a te, id est alia specie intelligibili; et aliud est intelligere meum et aliud tuum; et alius est intellectus meus et alius tuus."

<sup>107</sup> Ibid. (312.230–38): "Vnde et Aristotiles in Predicamentis dicit aliquam scientiam esse singularem quantum ad subiectum, «ut quedam grammatica in subiecto quidem est anima, de subiecto uero nullo dicitur». Vnde et intellectus meus quando intelligit se intelligere, intelligit quendam singularem actum; quando autem intelligit intelligere simpliciter, intelligit aliquid uniuersale."

as an instrument and as the likeness of a common nature that only truly exists in external things.

Aquinas's move away from Avicenna in this aspect of his cognitive psychology is presumably necessitated by his adherence to Aristotelian abstraction and its insistence on the importance of sensibles in human knowledge. This is also Aquinas's motivation for making the intelligible species an instrument rather than an object of knowledge. For if the species—which is clearly an individual accident in an individual intellect—were the object known, knowledge would never be *de rebus*, as Aquinas rightly asserts. Still, it could be argued that Avicenna's more literal and direct view of the common nature's mental being circumvents the problem that Aquinas is trying to solve in one fell swoop, and that it ultimately leads to a more direct realism than Aquinas's own. For if it is the quiddity itself, and not merely its likeness, that exists in the intellect, it makes no difference which order of being it is in which our knowledge of things resides. It is only when the common nature's mental existence is transferred to representative intelligible species that the problem of indirect knowledge of things arises in the first place. But undoubtedly Aquinas recognized on some level that it was the thoroughgoing acceptance of the quiddity's indeterminacy to either mode of existence that permitted Avicenna to formulate his emanationist theory of knowledge and thereby to repudiate the essentials of Aristotelian abstraction, a price that would be too high for Aquinas to pay for a more direct grasp of the common nature.

Aquinas's epistemological motivations for rejecting the details of the Avicennian concept of the quiddity's conceptual existence are to this extent fully consonant with the Aristotelian spirit that infuses all elements of his epistemology and his cognitive psychology. But what about its consequences metaphysically? The Avicennian legacy of the essence-existence distinction is fundamental to Aquinas's metaphysical outlook: it grounds Aquinas's conception of God as creator and his understanding of the relation between God and creatures. Indeed, Thomists have long argued that Aquinas realizes the implications of the essence-existence distinction far more profoundly than its originator and his many loyal interpreters in the Latin West, at least insofar as Aquinas recognizes the primacy of the existential over the essential order. Indeed, the developments that we have seen in Aquinas's understanding of *esse in intellectu* seem to be just one more instance of this existential orientation: not only is the common nature to be denied any existence in its own right—any *esse proprium*—it is to be denied all existence except in concrete singulars (and of course, in the divine intellect).

But if the sacrifice of abstraction is too high an epistemological price to pay for the Avicennian theory, it might well be argued that the metaphysical price

of Aquinas's radical emphasis on the individual existent is equally high. For it seems to undermine the very ground on which the distinction between essence and existence is built, namely, the recognition that natures and quiddities are as such indifferent to existence. For if there is only one true existential order, just what does this indifference amount to in the end?

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## THE ORIGINS AND DEVELOPMENT OF THE LATER *CANONES PENITENTIALES*\*

Pierre J. Payer

FROM the late sixth century to the twelfth century guidance for the administration of private penance (confession) was provided by the penitentials. Whether short pieces occupying just a few manuscript folios or lengthier works, all are strikingly characterized by lists of canons—terse statements specifying an offender, an offence, and the penance to be enjoined on the offender for the offence. The offender is often particularized (priest, monk, lay person, youth, man, woman) but is more frequently referred to in general terms (one, anyone).<sup>1</sup>

The tradition of the penitentials culminated in the early eleventh-century collection of ecclesiastical law compiled by Burchard, bishop of Worms (ca. 1008). The nineteenth book, entitled *Corrector et medicus*, is a manual for confessors, containing in its fifth chapter a lengthy list of canons in the form of an interrogatory.<sup>2</sup> Few guides for confessors after Burchard failed to show an influence from his *Decretum*. The eleventh and twelfth centuries saw a continuation of the penitential culture (1) in the widespread use made of Burchard, particularly book 19, which also circulated separately;<sup>3</sup> (2) in the creation of some new penitentials (often dependent on Burchard);<sup>4</sup> and (3) in the copying

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<sup>1</sup> For an introduction to the penitentials (with bibliography), see Pierre J. Payer, "Confession and the Study of Sex in the Middle Ages," in *Handbook of Medieval Sexuality*, ed. Vern L. Bullough and James A. Brundage, Garland Reference Library of the Humanities, vol. 1696 (New York and London, 1996), 3–8.

<sup>2</sup> For this interrogatory, see Burchard, *Decretum* 19.5 (PL 140:951–76). The questions are numbered in H. J. Schmitz, *Die Bussbücher und das kanonische Bussverfahren nach handschriftlichen Quellen dargestellt* (Düsseldorf, 1898; rpt. Graz, 1958), 409–52.

<sup>3</sup> Cyrille Vogel, *Les "Libri Paenitentiales," Typologie des sources du moyen âge occidental* 27 (Turnhout, 1978), mise à jour by A. J. Frantzen. (Turnhout, 1985), 41; Morton W. Bloomfield et al., *Incipits of Latin Works on the Virtues and Vices, 1100–1500 A.D. Including a Section of Incipits of Works on the Pater Noster* (Cambridge, Mass., 1979), #2287 (p. 203).

<sup>4</sup> For example, *Summa de judiciis omnium peccatorum* (s. xi) in Schmitz, *Die Bussbücher und das kanonische Bussverfahren*, 480–505; *Poenitentiale Laurentianum* (s. xii) in H. J. Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche nach handschriftlichen Quellen*

of older penitentials well into the twelfth century. It is interesting to note that of the eight extant manuscripts of the *Vallicellian I Penitential* (late ninth, early tenth century) four have been dated to the twelfth century.<sup>5</sup>

Nevertheless, the days of the ancient penitentials were numbered, that is, of those works consisting mainly of lists of canons with little additional content beyond occasional prefaces, liturgical penitential rites (*ordines penitentiae*), or directives for the modification of the often harsh penances found in the canons. It is difficult to know why this decline occurred. One might point to Peter Damian's scathing remarks about the penitentials as symptomatic of a changing attitude.<sup>6</sup> Perhaps the questioning of the very need for oral confession to a priest in the eleventh and twelfth century contributed to their demise. It must be remembered that after an exhaustive (and exhausting) discussion of the issue Gratian himself refrains from an apodeictic answer, leaving the question open, up to the discerning reader.<sup>7</sup> However, I suspect that penitentials in the old style disappeared because they no longer served any useful purpose. Their disappearance marked the end of the first stage of penitential canons.

Of course guidance and direction were still required for the administration of private penance, but after Gratian's collection of ecclesiastical law (ca. 1140) and Peter Lombard's theological collection (ca. 1157) the context of this administration had changed. Penance and confession had become the objects of sophisticated legal and theological reflection. The three Lateran councils of the twelfth century (1123, 1139, and 1179) reflect a growing concern with the pastoral needs of the Church and with the intellectual and moral instruction of the pastoral clergy.<sup>8</sup> These developments pointed to a need for more adequate types of confessional literature, a need that was made all the more imperative

dargestellt (Mainz, 1883), 786–91; and *Bartholomew of Exeter, Bishop and Canonist: A Study in the Twelfth Century. With the Text of Bartholomew's Penitential from the Cotton MS. Vitellius A.XII*, ed. Adrian Morey (Cambridge, 1937).

<sup>5</sup> Günter Hägele, *Das Paenitentiale Vallicellianum I: Ein oberitalienischer Zweig der frühmittelalterlichen kontinentalen Bussbücher. Überlieferung, Verbreitung und Quellen, Quellen und Forschungen zum Recht im Mittelalter 3* (Sigmaringen, 1984), 24, 25, 28, 30. Hägele (27) notes a late twelfth-century gloss in Rome, Biblioteca Vallicelliana E 15.

<sup>6</sup> Peter Damian, *Liber Gomorrhianus*, in *Die Briefe des Petrus Damiani*, pt. 1, ed. Kurt Reindel, *Monumenta Germaniae Historica, Die Briefe der deutschen Kaiserzeit 4* (Munich, 1983), 300–309, Letter 31 (= PL 145:169B–175C).

<sup>7</sup> See Jean Gaudemet, "Le débat sur la confession dans la Distinction 1 du *de penitentia* (Decret de Gratien, C. 33, q. 3)," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung* 71 (1985): 52–75; and Paul Anciaux, *La théologie du sacrement de pénitence au XII<sup>e</sup> siècle* (Louvain, 1949), 442–47 (re: commentaries on Gratian on the necessity of oral confession).

<sup>8</sup> See Leonard E. Boyle, "The Inter-Conciliar Period 1179–1215 and the Beginnings of Pastoral Manuals," in *Miscellanea Rolando Bandinelli Papa Alessandro III*, ed. Filippo Liotta (Siena, 1986), 43–56.

after 1215 when the requirement for annual confession was enacted by the Fourth Lateran Council.<sup>9</sup>

Immediately before that council four new types of confessional manual were published: those of Alan of Lille (ca. 1199), Robert of Flamborough (ca. 1213), Thomas of Chobham (ca. 1215), and Peter of Poitiers (ca. 1216). These new types were far more ample than the old penitentials, written in a narrative style, and designed to educate priests in the knowledge necessary for the administration of confession.<sup>10</sup> To this extent these new works mark a break with the past, but they did not mark a clean break. Three of the works show a considerable reliance on earlier canons to specify penances for serious offenses. Two authors (Alan of Lille and Robert of Flamborough) each dedicate a separate book to lists of canons arranged around traditional categories such as homicide, fornication (i.e., sexual offenses generally), and perjury. In both cases the canons occupy about 30% of the edited whole.<sup>11</sup> Thomas of Chobham does not have a section of his work comprising canons, but in his treatment of penances, divided according to the seven capital sins, he very frequently refers to what the canon says ("canon dicit"). Further, at the end of the treatment of particular offenses he often has a section dealing with penances for those offenses where he adduces relevant canons, sometimes commenting on their interpretation or contemporary relevance.<sup>12</sup>

This use of the canons is what one would suspect after such a long history. Where else would these authors turn for guidance in the imposition of penances? Of course, the new manuals acknowledge the need to modify the harsh-

<sup>9</sup> Lateran IV, c. 21 in *Conciliorum oecumenicorum decreta*, ed. J. Alberigo et al., 3d ed. (Bologna, 1973), 245. See Leonard E. Boyle, "The Fourth Lateran Council and Manuals of Popular Theology," in *The Popular Literature of Medieval England*, ed. Thomas J. Heffernan (Knoxville, 1985), 30–43.

<sup>10</sup> For the new generation of confessional manuals, often called *summae confessorum*, the best introduction remains Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge (XII–XVI siècles)*, *Analecta mediaevalia Namurcensia* 13 (Louvain, 1962). See Leonard E. Boyle, "Summae confessorum," in *Les genres littéraires dans les sources théologiques et philosophiques médiévales. Définition, critique et exploitation*, Actes du Colloque internationale de Louvain-la-Neuve 25–27 mai 1981 (Louvain-la-Neuve, 1982), 227–37; and Pierre J. Payer, "Confession and the Study of Sex in the Middle Ages," 8–17 (with bibliography).

<sup>11</sup> *Alain de Lille: Liber poenitentialis. II. La tradition longue*, ed. Jean Longère, *Analecta mediaevalia Namurcensia* 18 (Louvain, 1965), book 2; Robert of Flamborough, *Liber poenitentialis: A Critical Edition with Introduction and Notes*, ed. J. J. Francis Firth, *Studies and Texts* 18 (Toronto, 1971), book 5.

<sup>12</sup> Thomas of Chobham, *Summa confessorum*, ed. F. Broomfield, *Analecta mediaevalia Namurcensia* 25 (Louvain, 1968), in particular pp. 324–572; see, for example, "The canons on divination can be briefly collected in this manner" ("Possunt autem brevius colligi canones de divinatione hoc modo" [484]).

ness of the traditional penances and to bring them up to date. I believe that it is against this background that the fourth author mentioned above must be read. Although Peter of Poitiers does not himself use the canons, his remarks in their regard do not signify a repudiation of them. He notes that they must be tempered because of contemporary weakness as modern physicians temper ancient potions. His critical remarks are simply aimed at those who mindlessly adopt provisions from the *Decretum* of Ivo of Chartres without paying attention to their contemporary relevance.<sup>13</sup>

An excellent example of concern with the modification of the traditional penances is seen in an early work on confession attributed to Robert Grosseteste, *<De modo confitendi et paenitentias iniungendi>* (before 1219).<sup>14</sup> The edited work is a composite of two principal parts, a short version and a long version, which have been carefully noted by the editors. The short version briefly remarks on the need to temper the canons, then lists eighty-six of them. The long version likewise remarks on the need for tempering but follows up with a lengthy illustration of how it is to be done in regard to several sexual sins. It concludes, "The wiser priest can learn from these how to temper other penances whose tempering is not noted in this treatise."<sup>15</sup> Grosseteste then adds sixty-three canons, some unique to the long version, some common with the short version.<sup>16</sup>

The works just examined marked a second stage of the use of the canons. Gone were the aids to the confessor consisting mainly of lists of canons. These lists were replaced by narrative works that provided more ample instruction of the priest in the administration of private penance. Nonetheless, they did not repudiate the use of the traditional canons but in most cases incorporated a substantial body of canons, drawing on traditional sources such as Burchard of Worms, Ivo of Chartres, and Bartholomew of Exeter himself (a particularly important source for Robert of Flamborough). Although not neglected, neither

<sup>13</sup> Peter of Poitiers, *<Summa de Confessione> Compilatio praesens*, ed. Jean Longère, CCCM 51 (Turnhout, 1980), 64–65, no. 50.

<sup>14</sup> Robert Grosseteste, *<De modo confitendi et paenitentias iniungendi>*, ed. Joseph Goering and F. A. C. Mantello, "The Early Penitential Writings of Robert Grosseteste," *Recherches de théologie ancienne et médiévale* 54 (1987): 52–112. For the most recent comment on the date, see Joseph Goering, "When and Where Did Grosseteste Study Theology?" in *Robert Grosseteste: New Perspectives on His Thought and Scholarship*, ed. James McEvoy, *Instrumenta Patristica* 27 (Turnhout, 1995), 29.

<sup>15</sup> "Ex his poterit discretius sacerdos perpendere quomodo possit alias paenitentias, de quarum temperamento in hoc tractatu non agitur, temperare" (Robert Grosseteste, *<De modo confitendi et paenitentias iniungendi>*, ed. Goering and Mantello, 99).

<sup>16</sup> The canons in both versions seem to be from the long interrogatory of Burchard, *Decretum* 19.5, many editorialized by Grosseteste himself or his source.

Gratian nor early compilations after him were particularly significant sources for these early confessional manuals.

As suggested already this use of the canons likely indicates a holdover from ancient practice more than any particular predilection for the old penitentials. From the 1220s many simple, practical confessional manuals are known that make no use of the canons. The closest these works come to specifying types of penance is to note that the regular practice is to impose seven years penance for mortal sins. This directive is an interpretative application to ecclesiastical penance of the Old Testament treatment of Mary, the sister of Aaron, who was afflicted with leprosy after complaining about Moses. For this she was expelled from the camp. At the intercession of Moses she was readmitted after seven days (Numbers 12). The days are taken for years in the imposition of penance.<sup>17</sup>

This approach to penance can be seen in Paul of Hungary (no stranger to ecclesiastical law),<sup>18</sup> Jacques de Vitry (who has a lengthy treatment of satisfaction),<sup>19</sup> and in the numerous works of Robert of Sorbon.<sup>20</sup> Widely circulating works called "formularies" by Michaud-Quantin make no reference to pen-

<sup>17</sup> See Gratian, C. 33.2.11 and d.p.; and see *Ordinary Gloss* on Gratian, C. 33.2.11 ad v. *nam legitur*: "... Hic inseritur una ratio quare septennis poenitentia imponatur: quia Maria, etc. Theologi aliter assignant: ut sicut propter peccatum septiformis spiritus sancti gratiam amisit, ita per poenitentiam septennem eam recuperet" (*Decretum Gratiani, seu verius, Decretorum canonicorum collectanea ab ipso auctore Gratiano primum inscripta concordia discordantium canonum* ... [Paris, 1561]).

<sup>18</sup> Paul of Hungary, *Summa de poenitentia*, in *Bibliotheca casinensis seu codicum manuscriptorum qui in tabulario Casinensi asservantur series*, vol. 4 (Monte Casino, 1880), 197a.

<sup>19</sup> Jacques de Vitry, "Convertimini ad me in toto corde vestro . . . vestimenta vestra (Joel 2.13)". Non est mirum si servus," edited among the works of William of Auvergne, *Opera omnia* 2, Supplementum (Paris, 1674), 238b–247b at 246a–247a. I have accepted the convincing arguments of Diekstra for the attribution of this work to Jacques de Vitry; see F. N. M. Diekstra, "The Supplementum Tractatus Novi de Poenitentia of Guillaume d'Auvergne and Jacques de Vitry's Lost Treatise on Confession," *Recherches de théologie ancienne et médiévale* 61 (1994): 22–41.

<sup>20</sup> Robert of Sorbon mentions the seven-year penance in only one of his several works on confession (*De tribus dietis*); see Robert of Sorbon, *De consciencia et De tribus dietis*, ed. Félix Chambon (Paris, 1902), 35, 50, 54. Another work ("Qui vult vere confiteri"), whose Latin version concludes without mention of penances, in its French and Italian versions directs that the penitent carry out the penances enjoined by the priest. See F. N. M. Diekstra, ed., "Robert de Sorbon's *Qui vult vere confiteri* (ca. 1260–1274) and Its French Versions," *Recherches de théologie ancienne et médiévale* 60 (1993): 238; Mario Degli Innocenti, ed., "Una 'Confessione' del XIII secolo. Dal 'De confessione' di Roberto di Sorbona (1201–1274) al volgarizzamento in antico milanese (ms. Ambr. T 67 sup. = MA<sup>1</sup>)," *Cristianesimo nella storia* 5 (1984): 269. According to Glorieux the parameters of Robert of Sorbon's literary activity were 1261–1274 (P. Glorieux, *Aux origines de la Sorbonne: I. Robert de la Sorbonne. L'homme - Le collègue - Les documents*, Études de philosophie médiévale 53 [Paris, 1966], 34).

ancing.<sup>21</sup> Even the developed formulary "Cum ad sacerdotem" argues that the priest need not use the canons because confession is a matter of the internal private forum, not the public forum.<sup>22</sup> Finally, English synodal legislation in the thirteenth century, which shows considerable interest in the administration of confession, is devoid of reference to the canons.<sup>23</sup>

As a carry-over from previous ages, this second stage of the penitential canons went nowhere. After Lateran IV there is little indication that confessional manuals followed the lead of Alan of Lille, Robert of Flamborough, or Robert Grosseteste in offering lists of canons from traditional sources such as Burchard of Worms and Ivo of Chartres. However, this did not mean the disappearance of canons from the literature of penance: a third stage of the penitential canons was initiated in the thirteenth century.

This third stage marked the beginning of a new tradition of canons that was very much the creation of canon lawyers. The underlying occasion for their concern was the presence in Gratian's *Decretum* (and to a less extent in the *Decretales* of Gregory IX) of numerous canons that legislated penances of particular lengths of time for specific offenses. This situation was complicated by the juridically grounded understanding that seven years penance was to be enjoined for mortal sins.<sup>24</sup> It was further complicated by the presence of apparently contradictory canons, some suggesting that penances not in line with the canons were to be deemed false penances,<sup>25</sup> some suggesting that penances

<sup>21</sup> Pierre Michaud-Quantin, "Deux formulaires pour la confession du milieu du XIII<sup>e</sup> siècle," *Recherches de théologie ancienne et médiévale* 31 (1964): 43–62. These formularies were derived from a comment of Hugh of St. Cher in his lectures on the *Sentences* of Peter Lombard (ca. 1230). A substantial section of that comment is edited in Diekstra, "The *Supplementum Tractatus Novi de Poenitentia*," 37–39.

<sup>22</sup> "Cum ad sacerdotem," ed. Joseph Goering and Pierre J. Payer, "The 'Summa penitentiae Fratrum Predicatorum': A Thirteenth-Century Confessional Formulary," *Mediaeval Studies* 55 (1993): 39. I use the incipit-title "Cum ad sacerdotem" because the work is more commonly known by that title than the title "Summa penitentiae Fratrum Predicatorum." For additional information on the manuscripts of this work, see F. N. M. Diekstra, "Robert de Sorbon, the *Speculum Christiani* and the *Visio Sancti Pauli*: Notes on British Library MS Sloane 1253," *English Studies* 73 (1992): 388 n. 14.

<sup>23</sup> See for example the tract on confession appended to the Statutes of Coventry (1224×1237; Alexander Stavensby), in *Councils & Synods with Other Documents Relating to the English Church: II. A. D. 1205–1313*, ed. F. M. Powicke and C. R. Cheney, 2 parts (Oxford, 1964), 1:220–26; and the *Summula* of Peter Quinel associated with the Statutes of Exeter II (1287), *ibid.*, 2:1059–77. For the attribution of the *Summula* of Peter Quinel to Bishop Walter of Cantilupe, see Joseph Goering and Daniel S. Taylor, "The *Summulae* of Bishops Walter de Cantilupe (1240) and Peter Quinel (1287)," *Speculum* 67 (1992): 574–94.

<sup>24</sup> See n. 17 above.

<sup>25</sup> The key text was Gratian, *De penit.* D. 5.6; and see C. 26.7.4, 6, 7; *De penit.* D. 5.8.

were to be left to the discretion of the confessor (*arbitrium sacerdotis*).<sup>26</sup> Finally, a text in Gratian (attributed to Augustine) notes a list of books to be known by the priest, one of which was the “*canones penitentiales*.” If even one of these was neglected, the priest was scarcely worthy of the name.<sup>27</sup>

In general terms, the solution to this conundrum was an attempt to coordinate or harmonize its various aspects. The seven-year rule was, *prima facie*, to govern the imposition of penance for mortal sins, but penitential canons in the law departing from the rule were to be followed. The discretionary power of the confessor primarily extended to the modification and tempering of established penances either because of the gravity of the offence, the status of the offender, or the quality of the offender’s sorrow and contrition. Offenses not covered by established penances were thought to be governed by the seven-year rule, subject to the discerning confessor. The seeds of this solution are in one of the most frequently cited texts in this regard:

The canons do not sufficiently clearly preestablish the measure of time for doing penance for each and every crime such as to say how to make amends for each one. Rather, more often they lay it down that it is to be left up to the discretion (*arbitrium*) of the understanding priest because the measure of time is not valued by God as much as the measure of sorrow, nor abstinence alone from food as much as the mortification of vices. For this reason they command that times of penance are to be shortened because of the faith and manner of life of the penitent, and are of the view that they are to be lengthened because of negligence. Nonetheless, the manner of penance is imposed for some faults.<sup>28</sup>

<sup>26</sup> The key texts were Gratian, C. 26.7.2 and *De penit.* D. 1.86; and see C. 26.7.3; C. 26.7.5; *De consec.* D. 3.17.

<sup>27</sup> Gratian, D. 38.5.

<sup>28</sup> “*Mensuram temporis in agenda penitencia idcirco non satis aperte prefigunt canones pro unoquoque crimine, ut de singulis dicant, qualiter unumquodque emendandum sit, sed magis in arbitrio sacerdotis intelligentis relinquendum statuunt, quia apud Deum non tam valet mensura temporis, quam doloris, nec abstinencia tantum ciborum, quam mortificatio viorum. Propter quod tempora penitenciae pro fide et conversatione penitentium abbrevianda precipiunt, et pro negligentia protelanda existimant. Tamen pro quibusdam culpis modi penitenciae sunt inpositi*” (Gratian, *De penit.* D. 1.86). See Pierre J. Payer, “The Humanism of the Penitentials and the Continuity of the Penitential Tradition,” *Mediaeval Studies* 46 (1984): 340–50. It might be noted that because of the inclusion of several of the key canonical texts in the *Sentences* of Peter Lombard they did not go unnoticed by the theologians. Albert the Great, Bonaventure, and Thomas Aquinas each addresses the question of the role of the canons in enjoining penances. They show considerable agreement in their responses. The established canons represent general rules and, as it were, constitute starting points. These rules, however, have to be applied to the varied circumstances of actual behaviour. Application is governed by the discretionary power of the confessor. See Albert the Great, *In 4 Sent.*, D. 16.4 (Borgnet edition 29:635–36); D. 20.14 (29:845); Bonaventure, *In 4 Sent.*, D. 20, dubium 3, *Opera omnia* 4 (Quaracchi, 1889), 541–42; Thomas Aquinas, *In 4 Sent.*, D. 16, expositio tex-

The upshot of this discussion was the emergence among the canon lawyers of lists of penitential canons taken from Gratian and the *Decretales* in the context of practical, pastoral concerns. These lists were foreshadowed by Raymund of Peñafort who, after claiming that by rule seven years of penance is to be imposed for mortal sins, notes that in the law there are exceptions to the rule in canons establishing penances both of more and less than seven years. He provides sixteen examples of such canons, concluding that the diligent investigator can learn from these exceptions how "to impose satisfaction for different crimes according to the penitential canons."<sup>29</sup>

The subsequent development of the penitential canons was largely dependent on the canonist Hostiensis who provides a list of forty-six numbered canons.<sup>30</sup> Sometimes he is explicitly mentioned as a source for the canons. The Synod of Rodez (1289) directs the priest to the cases ("in XLVI casibus") noted by Hostiensis for special penitential canons that are exceptions to the seven-year rule.<sup>31</sup> John of Freiburg (ca. 1298) virtually repeats the canons of Hostiensis to illustrate the canons that the priest is bound to know if he is to be worthy of the name of priest.<sup>32</sup> The popular *Manipulus curatorum* (1333) of Guido de Monte Rocherii recommends Hostiensis, "and note that concerning the imposition of penances it is good to know the penitential cases (*casus*) that Hostiensis puts in his *Summa* . . . where he says that whoever is ignorant of them does not merit the name of priest."<sup>33</sup> Guido then continues with a balanced discussion of the imposition of penances and the discretionary power of the confessor.

At other times, in fact in almost all lists of penitential canons, Hostiensis is followed very closely and his canons constitute a substantial core of the lists. The following make considerable use of Hostiensis:<sup>34</sup>

tus; *In 4 Sent.*, D. 18.1.3, qua. 4 (*ST*, Suppl. 18.4, ad 2 and 3); *In 4 Sent.*, D. 20.1.2, qua. 1 (*ST*, Suppl. 8.7).

<sup>29</sup> "Poterit . . . ad satisfactionem pro diversis criminibus secundum paenitentiales canones imponendam" (Raymund of Peñafort, *Summa de paenitentia* 3.34.48, ed. X. Ochoa and A. Diéz, *Universa bibliotheca iuris*, vol. 1, tomus B. [Rome, 1976], col. 848); the canons are found at 3.34.44–47 (cols. 844–48). See Payer, "Humanism of the Penitentials," 352–53.

<sup>30</sup> Hostiensis, *Summa* 5.38.60 (Lyons, 1537; rpt. 1962), fols. 283ra–284rb.

<sup>31</sup> Synod of Rodez, chap. 14 (ed. J. D. Mansi, *Sacrorum conciliorum nova, et amplissima collectio*, vol. 24 [Venice, 1780], 992).

<sup>32</sup> John of Freiburg, *Summa confessorum* 3.34, q. 124bis (Rome, 1518), fol. 197vb.

<sup>33</sup> "Et nota quod circa impositionem penitentialium bonum est scire casus penitenciales quos ponit hostiensis in summa sua . . . ubi dicit quod qui ipsos ignorat non meretur habere nomen sacerdotis" (Guido de Monte Rocherii, *Manipulus curatorum* 2.4.5 [London, 1502] fol. 173v).

<sup>34</sup> The list that follows is a development of the list in Payer, "Humanism of the Penitentials," 253–54.



1. William Durandus, *Repertorium* (1274×1279)

Seventy-two canons, my numbering. The canons are drawn from Hostiensis and from John of God (who will be discussed below).<sup>35</sup> In his *Instructiones* (after 1292) for the priests of his diocese (Mende) William Durandus directs them to become familiar with the *canones penitenciales* in his *Repertorium*.<sup>36</sup>

2. John of Freiburg, *Summa confessorum* (ca. 1298)

Forty-six numbered canons drawn from Hostiensis with an eye to Raymund of Peñafort and the gloss on Raymund by William of Rennes.<sup>37</sup>

3. Astesanus of Asti, *Summa Astensis* (ca. 1313)

Forty-seven numbered canons. Astesanus drew on the preceding tradition of Raymund of Peñafort, John of God, Hostiensis, and William Durandus. He adds several extended questions to the list of canons, one on the killing of children and exposure (pp. 107b–108a) and another on swearing (p. 109b).<sup>38</sup>

4. *Confessionale* (before 1315)

The first fourteen canons are numbered and followed by an additional forty-four units, but in many cases the numbered canons and units include more than one canon. Hostiensis is the primary source. Different from all other lists of canons, the *Confessionale* actually reproduces the canonical texts *in extenso*.<sup>39</sup>

<sup>35</sup> William Durandus, *Repertorium sive breviarium aureum super Corpus iuris canonici* (Rome, 1474), fols. 108vb–110rb. See L. Falletti, “Gillaume Durand,” *DDC* 5:1031, 1033; P. Michaud-Quantin, “Textes pénitentiels languedociens au XIII<sup>e</sup> siècle,” in *Le crédo, la morale et l’inquisition*, Cahiers de Fanjeaux 6 (Toulouse, 1971), 157–59; see in particular Jean Longère, “La pénitence selon le *Repertorium*, les Instructions et Constitutions, et le Pontifical de Guillaume Durand,” in *Guillaume Durand. Evêque de Mende (v. 1230–1296). Canoniste, liturgiste et homme politique*, ed. Pierre-Marie Gy, Actes de la Table Ronde du C.N.R.S., Mende 24–27 mai 1990 (Paris, 1992), 120–25.

<sup>36</sup> *Instructions et constitutions de Guillaume Durand le spéculateur publiées d’après le manuscrit de Cessenon*, ed. J. Berthelé and M. Valmary (Montpellier, 1900), 20.

<sup>37</sup> John of Freiburg, *Summa confessorum* 3.34, q. 124bis (fols. 197rb–199ra). See T. Kaeppli, *Scriptores Ordinis Praedicatorum medii aevi*, vol. 2 (G–I) (Rome, 1975), 430; Leonard E. Boyle, “The *Summa confessorum* of John of Freiburg and the Popularization of the Moral Teaching of St. Thomas and of Some of His Contemporaries,” in *St. Thomas Aquinas, 1274–1974: Commemorative Studies*, ed. Armand A. Maurer et al. (Toronto, 1974), 2:245–68 (rpt. in Leonard E. Boyle, *Pastoral Care, Clerical Education and Canon Law, 1200–1400*, Variorum Reprints [London, 1981], #III).

<sup>38</sup> Astesanus of Asti, *Summa Astensis* 5.32 (Rome, 1728–30), 2:106b–111a. See Michaud-Quantin, *Sommes de casuistique*, 57–60. Michaud-Quantin (59) notes that Nicolaus d’Ausimo reissued the penitential canons as a separate work that was widely circulated.

<sup>39</sup> The *Confessionale* 3.2–59 is found among the works of Bonaventure, *Opera omnia* 8, ed. A. C. Peltier (Paris, 1866), 367–81. Michaud-Quantin (*Sommes de casuistique*, 55) attributes the work to Marchesinus of Reggio Emilia. However, in a study of the works of Bonaventure, B. Distelbrink claims the matter remains uncertain (*Bonaventurae scripta. Authentica dubia vel spuria critice recensita* [Rome, 1975], 105).

5. William of Pagula, *Summa summarum* (1319×1322)

Fifty-seven numbered canons. The first forty-six canons are from Hostiensis and the remaining canons are Pagula's own compilations. I believe this is the first listing of penitential canons in England after Robert Grosseteste.<sup>40</sup>

6. William of Pagula, *Oculus sacerdotis* (1319×1322)

Sixty-nine canons, my numbering. The canons follow those of the *Summa summarum* (see preceding note).<sup>41</sup>

7. John of Burgo, *Pupilla oculi* (1380×1385)

Fifty-four canons, my numbering. Canons are from William of Pagula, *Oculus sacerdotis*.<sup>42</sup>

8. "Introite portas eius in confessione" (Ps. 99.4). In quo quidem verbo" (in a manuscript of the fifteenth century)

Forty-seven canons numbered by the editor. Canons are drawn from Hostiensis and Astesanus.<sup>43</sup> Unlike other lists of canons, this work is thematically divided, a division that enhances its usefulness. Perhaps for this reason the priest is instructed not only to bear these canons in mind, but to have them hanging by his side for consultation "tabulam a latere pendentem cordetenus aspicat."<sup>44</sup>

<sup>40</sup> William of Pagula, *Summa summarum*, Oxford, Bodleian Library Bodley 293, fols. 219rb–220rb. For the rubric and the first part of the first canon, see fol. 150rb, "Hec sunt penitentie in canonibus diffinite." For the work, see Leonard E. Boyle, "The *Summa summarum* and Some Other English Works of Canon Law," *Proceedings of the Second International Congress of Medieval Canon Law*, Boston College, 12–14 August 1963, ed. Stephan Kuttner and J. Joseph Ryan, *Monumenta iuris canonici*, Series C: Subsidia, 1 (Vatican, 1965) pp. 415–56 (rpt. in Boyle, *Pastoral Care, Clerical Education and Canon Law*, #XV).

<sup>41</sup> William of Pagula, *Oculus sacerdotis*, pars prima, c. 32, Hatfield House 290, fols. 18ra–21ra. See Leonard E. Boyle, "The *Oculus sacerdotis* and Some Other Works of William of Pagula," *Transactions of the Royal Historical Society*, 5th ser., 5 (1955): 81–110 (rpt. in Boyle, *Pastoral Care, Clerical Education and Canon Law*, #IV). Note might be taken here of another English work, which I have not seen. The second part of *Memoriale presbiterorum* or *Memoriale sacerdotum* (ca. 1344) comprises a long list "of penances prescribed by canon law for various sins" (W. A. Pantin, *The English Church in the Fourteenth Century*, Mediaeval Academy Reprints for Teaching, 5 [Toronto, 1980; orig. 1955], 205–6); see Bloomfield, *Incipientes* #2631 (p. 230).

<sup>42</sup> John of Burgo, *Pupilla oculi* (London, 1516), fols. 57rb–60rb. See A. B. Emden, *A Biographical Register of the University of Cambridge to 1500* (Cambridge, 1963), 107; Pantin, *The English Church*, 213–14.

<sup>43</sup> "Canones poenitentiales" (Astensi), ed. Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche*, 800–808. On the manuscript (Vatican City, Biblioteca Apostolica Vaticana Reg. lat. 431), see A. Wilmart, *Codices Regenses latini*, 2 vols. (Vatican City, 1937–45), 2:546.

<sup>44</sup> Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche*, 800.

9. Andreas Didici d'Escobar, *Poenitentialie Civitatense* (ca. 1410×1414)

One hundred and fifty canons, numbered by the editor. Obvious sources are Hostiensis and Astesanus with some use of the ancient penitentials and more recent canon law (*Clementines* used in canons 47, 55, 131, 140).<sup>45</sup> In presenting the work the author writes, “. . . ponam aliquos canones pro peccatis a jure taxatos, quos unusquisque presbyter curatus tenetur scire sub pena peccati mortalis.”<sup>46</sup>

This list is by no means exhaustive but it is certainly representative of the major sources and principal users of the penitential canons. Some of them were immensely popular, circulating in hundreds of manuscripts and being printed as late as the eighteenth century (see Astesanus). However, the third stage of penitential canons was on the wane by the end of the fifteenth century, receiving only cursory mention by the popular *Angelica*.<sup>47</sup> By the beginning of the sixteenth century the influential Sylvester Prierias says that the canons are no longer used; he refers anyone who might be interested in knowing what they are to the canons of John of Freiburg.<sup>48</sup>

## SOURCE OF THE CANONS IN HOSTIENSIS

On the basis of the evidence examined above it is clear that Hostiensis was the major source for most of the subsequent lists of penitential canons. One might quite naturally assume that Hostiensis was not only the major source of these canons but that he originated them (with some influence from Raymund of Peñaafort). J. Ziegler, in denying that the canons began with Astesanus, notes

<sup>45</sup> Edited in F. W. H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche* (Halle, 1851; rpt. Graz, 1958), 688–705. See Vogel, *Les “Libri Paenitentiales,”* mise à jour by A. J. Frantzen, 43; and Bloomfield, *Incipits*, #1773 (p. 163).

<sup>46</sup> Wasserschleben, *Die Bussordnungen*, 688.

<sup>47</sup> Angelus Carletus de Clavasio, *Summa angelica* (Nuremberg, 1488) “Confessio VI,” fols. 45ra–45rb (with the number reduced to twenty). See Michaud-Quantin, *Sommes de casuistique*, 99–101; Giuseppe Pou y Martí, “Angelo da Chivasso,” in *Enciclopedia Cattolica* vol. 1 (Vatican City, 1948), cols. 1256–57.

<sup>48</sup> Sylvester Prierias, *Summa Sylvestrinae que Summa summarum merito nuncupatur. Pars prima* (Venice, 1587), “Confessor” 4.2, fol. 143ra. A curious phenomenon are the lists of canons appended to editions of Gratian at least up to the eighteenth century: Lyons, 1560; Cologne, 1682; Paris, 1687; Cologne, 1779. The canons in Cologne, 1682 are those of Astesanus. Penitential canons must have been appended to many editions of Gratian as a matter of course. Editions of both Bonaventure and Aquinas, in providing references to the *canones* mentioned by those authors refer to the penitential canons appended to Gratian without indication of editions. See Bonaventure, *In 4 Sent.*, in *Opera omnia* 4:543 n. 2; Thomas Aquinas, *ST*, Suppl., Biblioteca de autores cristianos (Madrid, 1958), 5:42 n. 17.

their lineage back from John of Freiburg to Hostiensis and Raymund.<sup>49</sup> I too made this assumption about Hostiensis.<sup>50</sup> However, on closer examination it became clear that the penitential canons did not result from an original compilation by Hostiensis but that he drew on a source after Raymund.

Six years before Hostiensis completed his *Summa* (i.e., 1247) a Bolognese canonist by the name of John of God (1189×1191–1267) composed a work entitled *Liber penitentiarius*, a confessional manual in seven books.<sup>51</sup> It was an immensely popular work, extant in at least eighty-six manuscripts found in most major libraries of Western Europe and England.<sup>52</sup> The second book is made up of penitential canons and is described in the author's general preface in this manner:

Item secundus liber docet ubi est penitentia et qualiter in iure canonico diffinita et quid juris quando non inuenitur a canone diffinita expresse et est diffinita in C. et X. capitulis, nisi me fallat obliuio, et isti sunt canones penitenciales quos sacerdos scire debet, alioquin uix in illo nomen remanet sacerdotis, ut probatur xxxviii di. que ipsis presbiteris [D. 38.5].<sup>53</sup>

<sup>49</sup> Josef Georg Ziegler, *Die Ehelehre der Pönitentialsommen von 1200–1350: Eine Untersuchung zur Geschichte der Moral- und Pastoraltheologie* (Regensburg, 1956), 276–77.

<sup>50</sup> See Payer, "Humanism of the Penitentials," 352–53.

<sup>51</sup> On John of God, see António Domingues de Sousa Costa, "Animadversiones criticae in vitam et opera canonistae Ioannis de Deo," *Antonianum* 33 (1958): 76–124, and *Doutrina penitencial do canonista João de Deus* (Braga, 1956). De Sousa Costa's treatment of the *Liber penitentiarius* in *Um Mestre português em Bolonha no século XIII, João de Deus, Vida e obras* (Braga, 1957), 115–24, is essentially the same as his treatment in *Doutrina penitencial*. Michaud-Quantin (*Sommes de casuistique*, 26 n. 16) remarks that de Sousa Costa rescued John of God from unjust oblivion. For conclusive manuscript evidence for the composition of the *LP* in 1247, see de Sousa Costa, *Doutrina penitencial*, 9; and "Animadversiones criticae," 85, 106–8.

<sup>52</sup> Sixty-three manuscripts are listed in de Sousa Costa, *Doutrina penitencial*, 11–14; twenty-one additional manuscripts are listed in Bloomfield, *Incipits* #0238 (p. 35) and #2540 (p. 223); three manuscripts not mentioned by de Sousa Costa or Bloomfield are noted in Schmitz, *Die Bussbücher und das kanonische Bussverfahren*, 725. Schmitz (ibid., n. 1) notes that ms. Melk O.42 does not contain the *Liber penitentiarius*; Melk O.42 is listed in Bloomfield, *Incipits* #0238, apparently taken from J. F. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Papst Gregor IX bis zum Concil von Trient* (Stuttgart, 1877), 102. Recently Martin Bertram has noted that there are almost one hundred manuscripts and these constitute nearly a third of all the known manuscripts of all the many works attributed to John of God; see "Der *Liber quaestionum* des Johannes de Deo (1248)," in *Die Kunst der Disputation. Probleme der Rechtsauslegung und Rechtsanwendung im 13. und 14. Jahrhundert*, ed. Manlio Bellomo, Schriften des Historischen Kollegs. Kolloquien 38 (Munich, 1997), 87–88.

<sup>53</sup> John of God, *LP*, preface (Vienna, Österreichische Nationalbibliothek lat. 130, fol. 102va). The general preface to the *LP* is edited in its entirety in de Sousa Costa, *Doutrina penitencial*, 138–47. In an appendix following this article I have edited the second book of the

The canons (called chapters by John of God) are not numbered so there is no way of knowing how the author thinks he has recorded 110 of them. Regardless, in the edition below I have numbered 112 canons. They cover a wide range of subjects, probably sufficient to the needs of most priests hearing the confessions of ordinary penitents. Contrary to the author's apparent intention of providing canons that lay down determinate penances for specific sins, there are numerous canons (almost 40%) that specify no penance whatsoever. In almost all cases these canons are directives and instructions concerning confession, penance, or sin. Finally it might be noted that the canons are not arranged in any discernible rational order, either by subject matter or in the order of his sources.

De Sousa Costa provides some indication of the considerable influence John of God had on subsequent canon lawyers to the end of the fifteenth century.<sup>54</sup> These indications point to explicit references to John of God by name. In addition, a significant influence of John of God is in his being the source for most of the penitential canons in Hostiensis, where he is not explicitly cited.

The first two canons in Hostiensis were inspired by Raymund of Peñafort. The first canon establishes a ten-year penance for the fornication of a priest. Where Raymund simply notes the canonical reference Hostiensis reproduces the canon *in extenso*, adding at the end Raymund's observation on the correct interpretation of the term *fornicatio* but omitting Raymund's judgment on the matter.<sup>55</sup> This first canon acquired a certain catchword value, serving to introduce all subsequent lists of penitential canons.<sup>56</sup> The second canon in Hostiensis deals with priests having sexual relations with their spiritual daughters. The canon is related to the second canon in Raymund but may have been influenced

*LP*. Some of the *LP* is edited in PL 99:1085–1108. Finally, de Sousa Costa notes ("Animadversiones criticae," 114) that in some manuscripts of the *LP* there appears a piece entitled "De abusibus contra canones." He edited the piece as an appendix to his *Um Mestre português*. There are thirty-six canons dealing with the responsibilities of clerics and religious. John of God notes that these canons are "praeter alia tam generalia quam specialia que in libello penitentiario continentur" (*Um Mestre português*, 196).

<sup>54</sup> De Sousa Costa, "Animadversiones criticae," 93.

<sup>55</sup> Raymund of Peñafort, *Summa de paenitentia* 3.34.44 (ed. Ochoa and Diéz, col. 844). Raymund concludes, "quod intellegunt quidam de simplici fornicatione; alii, *et forte verius*, de adulterio, vel incestu, quia cognovit coniugatam, consanguineam vel affinem" (Hostiensis omits the italicized expression).

<sup>56</sup> When John Bromyard, in the fourteenth century, came to prove that one sins more gravely in committing sacrilege than in adultery he notes, "The decrees impose a graver penance on incontinent priests than on adulterers as is clear in the first penitential canon" ("Decreta graviorem penitentiam imponunt sacerdotibus incontinentibus, quam adulteris, sicut patet in primo canone penitentiali"; John Bromyard, *Summa praedicantium* [Venice, 1586], "Luxuria," vol. 1, fol. 459vb).

by John of God, *LP* 2, canons 4 and 5.<sup>57</sup> The subject of Hostiensis' third canon (*sin contra naturam*) is related to the subject of Raymund's fourth canon, but the texts are not related.

From canon four to his last canon Hostiensis picks up from the first canon of John of God and systematically works his way through the canons of John of God selecting those that establish penances for specific sins. In a few cases Hostiensis draws together canons around a particular subject. For example canon 13 deals with homicide into which Hostiensis incorporates *LP* 2, canons 8, 9, 19, 30, 31. The following table indicates the relationship between the two authors.

HOSTIENSIS	JOHN OF GOD	HOSTIENSIS	JOHN OF GOD
1	Raymund 1	24	63
2	Raymund 2; cf. John of God, <i>LP</i> 2.4 and 5	25	cf. 70
3		26	76
4	<i>LP</i> 2.1	27	77
5	2	28	78
6	3	29	79
7	6	30	81
8	7	31	83
9	21	32	86
10	26	33	87
11	11	34	88
12	10	35	89
13	8, 9, 19, 30, 31	36	90
14	93, 92, 100	37	91
15	12	38	cf. 97
16	13	39	98
17	16	40	cf. 99
18		41	101
19	22	42	102
20	25	43	103
21	cf. 27	44	105
22	28	45	cf. 104
23	29	46	108, 109

<sup>57</sup> See Raymund of Peñafort, *Summa de paenitentia* 3.34.44 (ed. Ochoa and Diéz, col. 844); and see John of God, edited below. I suspect Raymund was inspired by the *Ordinary Gloss* on Gratian for his first two canons. The canon concerning penances translated above (see n. 28) concludes, "Tamen pro quibusdam culpis modi penitencie sunt inpositi" (Gratian, *De penit.* D. 1.86). The text is glossed "*Culpis* ut in fornicatione sacerdotis cum filia spirituali xxx. que. i. si quis sacerdos [C. 30.1.9], supra lxxxii. distinct. presbyter. [D. 82.5] et in multis aliis." Raymund reverses the order.

The order followed, the subjects of the canons, and the community of references provide strong evidence for the dependence of Hostiensis on John of God. However, there is seldom an identity of wording between the two works. Hostiensis often restates the case slightly differently. Even in regard to the references Hostiensis sometimes directs the reader to the treatment in his own *Summa*, particularly in the case of references to the *Decretales*. Some examples of the relationship:

## Hostiensis

Sextus quod si quis excommunicatus celebraverit: triennio penitere debet: et a vino et carnibus abstinere, .xi. q. iii. de illis [C. 11.3.109].

Quintusdecimus quod periurus per .xl. dies in pane et aqua per .vii. an. peniteat et semper debet esse in penitentia, scilicet interiori, vi. q. i. quicumque [C. 6.1.18].

Vigesimussexthus qui compulsus conditionaliter periurat si liber sit .xl. diebus per .vii. an. penitet: si servus sit tribus annis, .xxii. q. v. qui compulsus [C. 22.5.1].

## John of God

3. Qui celebrat excommunicatus tres annos, scilicet secunda feria et quarta et .vi. abstineat a carnibus et a vino, peniteat (.xi. iii. q. de illis).

12. De periurio .xl. di. in pane et aqua et .vii. an., et semper debet esse in penitentia, scilicet interiori, .vi. q. i. quicumque.

76. Item qui compulsus scilicet conditionaliter periurat, si est liber .xl. diebus et .vii. sequentibus annis peniteat; si servus .iii. an., .xxii. q. v. qui compulsus.

Aside from Hostiensis there is a use of John of God worth mentioning. In an effort to make the *Summula Conradi* (1226×1229) into a serviceable confessional manual several chapters were later added to the original forty and numbered consecutively, 41–47. Chapter 41 faithfully reproduces fifty-four canons from John of God.<sup>58</sup>

<sup>58</sup> These canons are edited by the editor of the *Summula Conradi*; see *Trois sommes de pénitence de la première moitié du XIII<sup>e</sup> siècle: La "Summula Magistri Conradi."* *Les sommes "Quia non pigris" et "Decime dande sunt,"* ed. Jean Pierre Renard, 2 vols., *Lex spiritus vitae* 6 (Louvain-la-Neuve, 1989), 1:255–65. Renard points out (correctly) that the canons have their counterparts in Hostiensis but he recognizes that Hostiensis is not their author. A potentially complex problem of dating arises that cannot be gone into here. I would just note that although manuscripts containing chapter 41 are all of the fourteenth century there is an abbreviation of the *Summula Conradi*, the "Decime dande sunt" (1230×1240, probably after 1234), which contains an abbreviated list of the canons in chapter 41 of the *Summula Conradi*. One of the manuscripts containing this abbreviated list is of the thirteenth

In all the lists I examined I encountered just one explicit mention of John of God in connection with canons (as opposed to prefaces to the canons). William Durandus mentions him in regard to the correct interpretation of a penance:

Iniuste alium accusans ad mortem .xl. diebus in pane et aqua cum .vii. sequentibus annis, quod si accusatus perdit membrum per tres quadragesimas, vel secundum Io. de deo et dominum hostiensem per tres annos, de accusatione c. accusasti [X 5.1.8].<sup>59</sup>

Durandus continues with his own interpretation.

It has not been my intention to explore the precise understanding the canon lawyers had of the discretionary power of the confessor. A general observation on their understanding has been already offered; to go further would involve a careful study of their introductory remarks to the canons themselves. But it should be borne in mind that their concern with respect for the law did not imply a desire for a slavishly literal application of the law. They were not under any illusions about the problems raised by the application. This is evident, for instance, in John of God's response to the question "Quid facit sacerdos quando sibi plura crimina confitentur?"<sup>60</sup> Aquinas offers a novel theological view. He notes that discretion is required for the exercise of the power of the keys. However, if the imposition of punishment was entirely up to the will of the priest there would be no necessity for discretion, "Ergo non est omnino in arbitrio sacerdotis."<sup>61</sup>

My principal concern has been to show the extent of the presence of the penitential canons of the third stage and to demonstrate their material origins in the *Liber penitentiarius* of John of God. The idea was a distinctive creation of the canon lawyers in their effort to bring confessional practice into line with the presence of canons in the law that established determined penances for specific offences. The rudiments of the idea are found early in the thirteenth century with the first edition of Raymund of Peñafort. The main body of canons was elaborated in 1247 by John of God and the effective list was drawn up by Hostiensis from those of John of God. The list of Hostiensis constituted the core of most future lists of penitential canons.

century. For the canons in "Decime dande sunt," see Renard, ed., *Trois sommes de pénitence* 2:355.

<sup>59</sup> For the respective references, see Durandus, *Repertorium* 37 (fol. 109vb); Hostiensis, *Summa* 5.38.60, c. 7 (fol. 283va); and John of God, *LP* 2, c. 6 (edited below). The text is incorporated into the *Summa Astensis* 5.32.19 (2:108).

<sup>60</sup> John of God, *LP*, book 4 (Vienna, Österreichische Nationalbibliothek lat. 130, fols. 112rb–112va).

<sup>61</sup> Thomas Aquinas, *In 4 Sent.*, D. 18.1.3, qua. 4, sed contra (2) (*ST*, Suppl. 18.4). The question under consideration is "Utrum sacerdos possit ligare et solvere secundum proprium arbitrium."



## APPENDIX

The Text of John of God, *Liber penitentiarius*, book 2

The following presents a transcription of the second book of John of God, *Liber penitentiarius*. This book contains the one hundred and twelve *canones penitenciales* (unnumbered in the manuscripts used by me) discussed earlier. The transcription is made from Vienna, Österreichische Nationalbibliothek lat. 130, fols. 107ra–109va (*V*).<sup>62</sup> This is a particularly valuable manuscript, dedicated as it is to three works of John of God: *Liber iudicum*, *Liber penitentiarius*, and *Liber pastoralis*. The transcription has been checked against Klosterneuburg, Stiftsbibliothek 278, fols. 193va–195ra (*K*), which has been used to supply for absent or faulty readings in *V*.<sup>63</sup>

The customary practice of silently expanding abbreviations has been followed; deletions and corrections have been silently suppressed. There are, however, certain exceptions in the expansion of abbreviations. Lengths of time, when written out in the manuscripts, are either in the accusative or ablative case; when there are grammatical indications for case the abbreviation is correspondingly expanded (e.g., “tres an.” is expanded to “tres annos”), but no expansion is made without grammatical warrant (e.g., “.iii. an.” is left as is). The medieval canonical references have not been fully expanded (e.g., “d’ pe.” is transcribed “de pe.” as an abbreviation for *De penitentia*). The third-person form of *penitere*, when written out in the manuscripts, is either “penitet” or “peniteat”; when abbreviated, the form will be expanded to “peniteat,” since this is the more frequent usage.

Except for a few references that seem to be to *Compilatio I*, all the references are either to Gratian, *Decretum* or to the *Decretales* of Gregory IX. There are four types of reference to Gratian: (1) distinction and chapter (=D. x.x); (2) case, question, chapter (=C. x.x.x); (3) *De penitentia* (=De penit. D. x.x); (4) *De consecratione* (=De consec. D. x.x). The *Decretales* are abbreviated to X, followed by reference to book, title, chapter.

Changes to the text of *V* have been indicated in the following manner:

< > = readings supplied from *K* and absent in *V*; corrections of *V* from *K*.

[ ] = words or letters in *V* that should be omitted (modern references have also been enclosed in square brackets).

<sup>62</sup> See *Tabulae codicum manu scriptorum praeter Graecos et orientales in Bibliotheca Palatina Vindobonensi asservatorum*, Nova editio photomechanice impressa notulis marginalibus aucta, vols. 1–2 (Cod. 1–3500) (Vienna, 1864; rpt. Graz, 1965), 19; thirteenth century. For reference to all the manuscripts of *LP*, see n. 52 above.

<sup>63</sup> See *Catalogus codicum manu scriptorum qui in Bibliotheca Canoniorum Regularium s. Augustini Claustroneoburgi asservantur*, ed. H. Pfeiffer and B. Černík (Klosterneuburg, 1831), 38–41; fourteenth century.

John of God, *Liber penitentiarius*, book 2

Incipit secundus liber quo continetur quibus locis et quibus peccatis penitentia secundum canones sit distincta. Incipit secundus liber in quo continetur in quibus locis sit penitentia in toto corpore iuris a <canone> diffinita.

Ut ergo perfectius possis facere quod intendis in penitentiis canonice imponendis,  
5 videre debes et considerare in quibus locis et pro quibus culpis et qualiter <sit> penitentia a canone diffinita. Alie vero arbitrarie sunt, de pe. di. .i. <mensuram> [*De penit.* D. 1.86].

1. Sacerdos ergo qui interest clandestinis nupciis triennie suspe(n)ditur, Extra. c. cum inhibitio [X 4.3.3, § 2].

10 2. De voto simplici violato tres annos penitet, .xxvii. di. si vir [D. 27.3], [.iii. xi.q. de illis].

3. Qui celebrat excommunicatus tres annos, scilicet secunda feria et quarta et .vi. abstineat a carnibus et a vino, peniteat <.xi. iii.q. de illis> [C. 11.3.109].

4. Sacerdos qui accedit ad sua(m) confessam .xii. an. peniteat et postea retrudatur  
15 in monasterio. Femina vero traditur religioni, rebus eius pauperibus erogatis, .xxx. q. i. si sacerdos [C. 30.1.9].

5. Episcopus vero .xv. an. peniteat ut habetur in eodem canone [cf. C. 30.1.10].

6. Qui alium ad mortem iniuste accusat .xl. dies in pane et aqua et .vii. sequentibus annis. Item similiter si membrum perdit, accusator tres annos peniteat, Extra. de  
20 accusatione | accusasti [X 5.1.8]. [II. di. de his].

7. Si quis filiam spiritualem vel comatrem cognoscit .viii. an. peniteat et ei consencientes, .xxx. q. iii. non oportet [C. 30.3.3].

8. De homicidio evitabilis necessitatis .ii. an. peniteat (l. d. de hiis) [D. 50.36].

9. Item in necessitate inevitabili nihil, .l. di. quia te [D. 50.38] quo ad peccatum,  
25 sed quo ad mundiciam ecclesie hostendendam, xxxiii. q. ii., in lecto [C. 34.1/2.6], et .xxiii. q. iii., excommunicatorum [C. 23.5.47].

10. Item de casuali homicidio .v. an. peniteat, .l. di. si qua [D. 50.43], et c. si quis [D. 50.44], et c. eos [D. 50.42].

11. De voluntario deponitur sine spe restitutionis et .vii. annis peniteat, .l. di.  
30 miror [D. 50.4].

12. De periurio .xl. di. in pane et aqua et .vii. an., et semper debet esse in penitentia, scilicet interiori, vi. q. i. quicumque [C. 6.1.18].

13. De falsa mensura .xxx. di. in pane et aqua, Extra. de emptione et venditione, c. ut mensure [X 3.17.2].

14. Item in <publico> confiteatur si fuerit enorme peccatum et factum in publico,  
35 de pe. d. i. iudicet [*De penit.* D. 1.85], de pe. d. v. consideret [*De penit.* D. 5.1], de pe. d. v. quem penitet [*De penit.* D. 1.88].

3 canone] cān V

6 mensuram] mesure V

15 religioni] repigioni V

17 ut

... canone] ut abetur in eodem canone also in marg. V

35 publico<sup>1</sup>] paucio V

15. Item peccatum semel confessum non debet iterum confiteri de necessitate, de  
pe. d. i. § hiis auctoribus [*De penit.* D. 1.87, d.p.], nisi velit ad maiorem gratiam, de  
40 pe. d. v. consideret [*De penit.* D. 5.1], et de pe. d. i. quem penitet [*De penit.* D.  
1.88].

16. Item si aliquis sollempniter penitet et postea reddeat ad vomitum .x. an. peni-  
teat, de pe. d. v. si quis vero [*De penit.* 5.4].

17. Item si vult salvari, inveniatur sacerdotem scientem solvere et ligare, de pe.  
45 d. vi. qui vult [*De penit.* 6.1].

18. Item peccatum sodomiticum excedit omne peccatum, xxxii. q. vii. adulter(ii)  
malum [C. 32.7.11], et c. flagitia [C. 32.7.13], et c. adulterii malum [C. 32.7.11].

19. Qui per insani(a)m aliquem occidit non imputatur ei, .iii. q. ix. iudicas  
[C. 3.9.14], .xv. q. i. aliquantos [C. 15.1.5], et c. illa [C. 15.1.6], et c. si quis  
50 [C. 15.1.12].

20. Item devota si nubat .x. an. peniteat x | xvii. q. i. devotam [C. 27.1.27].

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21. Item (qui) accepit sponsam alienam de presenti .vii. an. peniteat, .xl. diebus in  
pane et aqua, Extra. de sponso duorum. accepisti [X 4.4.2].

22. Item qui cantat misam et non (communicat) uno anno penitet et interim cesset  
55 a celebratione misse, de con. d. ii. relatum [*De consec.* D. 2.11], c. non perfodies [?],  
et c. sacerdos [*De consec.* D. 2.89].

23. Item qui vult s(c)ire modum penitentie inponendum querat Extra. de homi-  
cidio. sicut dignum [X 5.12.6], et c. interfecisti [X 5.12.2]. [et]

24. Item sacerdos non deponitur si defe(n)dendo latronem interfecerit, Extra. c.  
60 qui sine odio [cf. *Compil.* I 5.10.3; cf. C. 13.2.32], duobus tamen annis peniteat.

25. Item sacerdos qui mortuum clericum involuit in palla altari[us] .x. an. penitet  
et .vi. menses, diaconus .iii. et dimidium, de con. d. i. nemo per (ignorantiam) [*De*  
*consec.* D. 1.40].

26. Item qui coit cum duabus commatribus vel sororibus sive una sit uxor sive non  
65 .viii. an. peniteat, licet plus debuisset, .xxx. q. iiiii. si pater [C. 30.4.2].

27. Item sacrilego imponuntur .vii. anni, in duobus non debet intrare ecclesiam et  
usque ad .iiii. non offert et omnibus tribus diebus a vino et a carnibus ieiunet, .xii. q.  
ii. de viro, et alia que in eodem canone reperuntur [C. 12.2.17].

28. Item parentes qui fra(n)gunt sponsalia filiorum tribus annis remouentur a  
70 (communione), et filii si sunt in culpa id est si consentiunt et postea disentiunt,  
.xxxi. q. iii. si parentes [C. 31.3.1].

29. Item qui accipit in matrimonium quam polluit per adulterium .v. an. peniteat,  
.xxxi. q. i. si qua vidua [C. 31.1.7].

30. Item (si) presbyter intuitu dis(c)ipline incaute percutit discipulum et moritur  
75 inde, presbyter deponitur, Extra. de homicidio. presbyterum [X 5.12.7], .xv. q. i. si  
quis non iratus [C. 15.1.13] quia moderate debuit corrigere, .xxiii. q. iiiii. qui pecat  
non peccat legis auctoritate [C. 23.4.40].

46 adulterii] adulterium V  
62 ignorantiam] ignotiam V

48 insaniam] insaniam V  
70 communione] canone V

54 communicat] canōicat V

31. Item qui ligatum latronem interfecit deponitur, Extra. c. superimus [X 5.12.10].

32. Item qui (cognoscit) uxorem causa (procreandi) sobolem | vel reddendi debi-  
80 tum non peccat, .xxxiii. q. iii. vir cum propria [C. 33.4.7], et xiii. d. nervi [D. 13.2],  
xxxiii. q. i. si dicat [C. 33.5.1].

33. Item qui non potest confiteri sacerdoti et confiteatur socio erit dignus venia ex  
desiderio sacerdotis, de pe. d. iii. qui vult [*De penit.* D. 6.1], et di. i. quem penitet  
[*De penit.* D. 1.88].

85 34. Item falsa dicitur penitentia que non datur secundum canones si est a canone  
diffinita, tamen ex causa temperatur, de pe. d. v. falsas [*De penit.* D. 5.6], et c. fra-  
tres [*De penit.* D. 5.8].

35. Item cum penitentia non sit diffinita arbitrio relinquatur sacerdotis discreti,  
xxvi. q. vii. tempora [C. 26.7.2] et de pe. di. i. mensuram [*De penit.* D. 1.86].

90 36. Item cum bigamo sacerdote nulla dispensatio, Extra. c. nuper [X 1.21.4],  
.xxviii. d. presbyterum [D. 28.16]. Similiter cum eo hodie qui in sacris contrahit cum  
corrupta, Extra. de bigamis. c. ult [X 1.21.7].

37. Item si post sacerdotium primo contrahit scilicet cum virgine, acta penitentia  
dispensatur cum tali ab episcopo, Extra. de clericis coniu[n]gatis. sane [X 3.3.2].

95 38. Item si penitet de omnibus peccatis et remanet in uno mortali dand(a) ei  
penitentia licet non sit vera, de pe. d. iii. §. ult. [*De penit.* D. 3.49, d.p.], Extra. c.  
quod quidam [X 5.38.5].

39. Item modi penitentie perfecte inveniuntur de pe. [pe.] di. v. consideret [*De  
penit.* D. 5.1], et de pe. di. i. quem penitet] [*De penit.* D. 1.88]. Quis, quibus auxiliis,  
100 ubi, quid, cur, quomodo, quando, adiuncto quotiens, hec .viii. non respiscens. Quan-  
tum, quale scelus, ubi, quis, cur, quomodo, quando. Hec sunt servanda cunctis medi-  
camina dando.

40. Item quicquid dicitur de calore iracundie non est convicium, id est non est  
mortale, de pe. d. i. 1.<sup>64</sup> divorcium [*De penit.* D. 1.21].

105 41. Item qui detrahit et consilium dat et qui odit et qui interfecit similes sunt quia  
utrumque homicidium est, licet non equale, de pe. d. i. homicidiorum tria sunt [*De  
penit.* D. 1.24], et c. periculose [*De penit.* D. 1.23].

42. Item si potest confiteri et non confitetur non salvatur, de pe. d. i. agit(e) peni-  
tentia(m) [*De penit.* D. 1.44], licet in proposito confitendi dimittantur peccata, c.  
110 dixi confitebor, de pe. di. i [*De penit.* D. 1.4].

43. Item qui peccat et (statim) penitet peccat in | conspectu dei, de pe. di. i. et  
(venit) [*De penit.* D. 1.45] quia nomen iusti non perdit qui semper per penitentiam  
resurgit, de pe. d. iii. septies [*De penit.* D. 3.23].

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79 cognoscit] cogosit V      procreandi] procreareandi (?) V      95 danda] dando V  
111 statim] statum V      112 venit] velim V

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<sup>64</sup> This may be an indication that the source is the Roman Law.

44. Item qui cupit habere penitentiam et heucharistiam et amittit loquelam danda  
 115 est ei et etiam baptismus, .xxvi. q. vi. his qui [C. 26.6.8], et c. cognovimus [C. 26.6.13], de pe. d. i. multiplex [*De penit.* D. 1.49], hereticis exceptis.

45. Item qui cum hominibus non vult penitere, cum diabolo flagellabitur, de pe. d. i. c. serpens [*De penit.* D. 1.47].

46. Item sacerdos magis debet declinare in misericordiam quam crudelitatem,  
 120 xxvi. q. vii. alligavant [C. 26.7.12], de pe. d. 1 non licet [?], et .i. d. ponderet [D. 50.14], et c. domino sancto [D. 50.28].

47. Item sacerdos qui negat penitentiam reus est animarum, xxvi. q. vi. sacerdos [C. 26.6.12].

48. Item nemo potest agere penitentiam nisi speravit de venia, de pe. d. i. nemo  
 125 [*De penit.* D. 1.50].

49. Item non est heretico confitenda, nec tempore mortis, de pe. di. i. quantumlibet [*De penit.* D. 1.53], xxiii. q. i. cepit, [C. 24.1.42], 1. q. i. superveniente [C. 1.1.72].

50. Item qui tormentis inclinatur non perdit meritum, de pe. d. i. potest fieri [*De*  
 130 *penit.* D. 1.52].

51. Item nil est ita salubre sicut recordatio peccatorum ad dolorem, de pe. d. i. sunt qui arbitrantur [*De penit.* D. 1.56], et de pe. d. iii. Iudas [*De penit.* D. 3.36].

52. Item omnis etas ad malum prona est et ideo facilius invenitur qui servet innocentiam quam qui digne agat penitentiam, de pe. d. i. sunt qui arbitrentur [*De*  
 135 *penit.* D. 1.56], xii. q. i. omnis [C. 12.1.1], Extra. de vita et ho. cler. quoniam [X 3.1.9], xx. q. ii. proclivius [C. 20.3.2].

53. Item (deus qui) viribus superari non potest, precibus superatur, de pe. d. i. importuna [*De penit.* D. 1.58].

54. Item is qui peccant in spiritu sancto qui in peccatum perseverat (?) usque ad  
 140 mortem inclusive, de pe. d. i. est peccatum ad mortem [*De penit.* D. 1.59, d.p., § 1], et de pe. d. iii. c. inter hec yrcum [*De penit.* D. 3.35].

55. Item super tribus peccatis audit deus super scilicet cogitatione, consensu, et hopere. Non autem semper | quia si impenitens decedit deus ei non parcit, de pe. d. i.  
 145 super tribus [*De penit.* D. 1.71], xciii. di. diaconi nisi [D. 93.11 (?)], xxiii. q. ii. legatur [C. 24.2.2].

56. Item secunda tabula post naufragium est penitentia, de pe. d. i. secunda [*De penit.* D. 1.72].

57. Item sicut in medicinis una predominatur herba, ita in penitentiis helemosina, de pe. d. i. medic(a)mentum [*De penit.* D. 1.77].

150 58. Item tria sunt genera peccatorum: originale et hoc (remitteretur) in batismo; actuale et [in] hoc in penitenti deletur per baptismum vel per penitentiam cum baptismus haberi non possit vel si iam baptizatus fuerit; veniale et hoc in oratione remittitur licet enim parva tamen vitanda sunt quia vitasti grandia, etc., de pe. i. iii. sunt [*De penit.* D. 1.81].

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137 deus qui] qui deus V

150 remittitur] remittenti deletur V

- 155 59. Item peccata dimissa non reddunt, xxiii. q. iii. si illic [C. 23.4.29], et de pe. di. iii. qui recedit [*De penit.* D. 4.14].
60. Item latro si confitetur vel vult confiteri sepelitur in cimiterio et horatur pro eo et datur ei corpus Christi, xiii. q. ult. c. ult. [C. 13.2.32].
61. Item cautum non invenitur ut mulieribus confiteatur sed contrarium invenitur,
- 160 Extra. de pe. nova [X 5.38.10], xxxiii. q. v. mulier [C. 33.5.17], xxiii. q. mulier [cf. D. 23.29]. Credo tamen quod possit confiteri in periculo mortis. Argumentum: xxx. q. iii. super quibus [C. 30.3.4]. Ibi dicitur quod potest baptizare.
62. Item penitentibus non tam considerata est mensura temporis quam doloris, de pe. d. i. mensuram] [*De penit.* D. 1.86].
- 165 63. Item qui dicit blasphemiam in deum et in sanctos .viii. die(s) in pane et in aqua .vi. feria et puniatur in helemosinis ad minus, Extra. de maledicis .c. ult. [X 5.26.2].
64. Item si per ignorantiam peccetur tum penitentia imponenda est, xxxiiii. q. ii. in lectum [C. 34.1/2.6].
- 170 65. Item qui reddit debitum exactus mereatur, xxxiii. q. v. si dicam [C. 33.5.1].
66. Item si non reddit debitum si coniux peccat imputatur illi scilicet in parte, xxvii. q. ii. si tu abstines [C. 27.2.24]. |
67. Item si per te non stat quod accedat ad uxoratam, peccasti quia adulterium, de pe. d. ii. si propterea [*De penit.* D. 1.29], et c. si cui [*De penit.* D. 1.30].
- 175 68. Item <omnis iniquus motus> ad nocendum fratri homicidium est, tamen largo modo.
69. Item sicut corpus non potest vivere sine anima ita <anima> sine deo, de pe. d. i. suscitatus, § hoc idem versu [*De penit.* D. 1.34, d.p., § 2], et si ante quam quisquam [*De penit.* D. 1.35, d.p.].
- 180 70. Item sacerdos qui revelat aliena peccata deponi debet, de pe. d. vi. si sacerdos [*De penit.* D. 6.2], Extra. de penitentiis omnis [X 5.38.12], et iii. q. vii[i]. sacerdos [C. 3.7.7].
71. Item confessio fit ut <ostendantur> dimissa peccata nisi contemnantur, non ad remissionem peccatorum, de pe. d. i. omnis [*De penit.* D. 1.37].
- 185 72. Item duobus modis unus magis peccat quam alius propter excellentiam dignitatis, xi. q. iii. precipue gualdradam [C. 11.3.3] aut propter peccati magnitudinem, ii. q. iii. precipue [C. 11.3.3], d. xl. homo christianus [D. 40.5], de pe. d. iii. inter hec hircum, in primo [*De penit.*, D. 3.34].
73. Item quod facit baptismus facit penitentia, de pe. d. i. multiplex [*De penit.* D. 1.49].
- 190 74. Item qui non vult confiteri in hac vita confitebitur in futuro quando angeli et anime iuste, peccatrices et diaboli audient eum et tamen dampnabitur, nam si s(e)mper viveret s(e)mper peccaret, de pe. d. i. nunc autem [*De penit.* D. 1.87, d.p., § 1], de pe. d. vii. idcirco [*De penit.* D. 7.5].

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164 mensuram] mesure V  
183 ostendantur] hostendatur V

175 omnis iniquus motus] omne iniquum motu V  
192-93 semper] sumper V    193 semper] sumper V

- 195 75. Item perfecta penitentia cogit peccatorem omnia libenter suffere[t] in cordis  
contritione, in oris confessione, in opere tota humilitas. Hec faciunt fructiferam  
penitentiam, de pe. d. i. perfecta [*De penit.* D. 1.40].
- 200 76. Item qui compulsus scilicet conditionaliter periurat, si est liber .xl. diebus et  
22.5.1]. .vii. sequentibus annis peniteat; si servus .iii. an., xxii. q. v. qui compulsus [C.
77. Item qui tantum periurat in manibus episcopi vel in cruce sacrata .iii. an.  
peniteat, in cruce | non sacrata .i. an, si ignoranter et coactus .iii. an., xxii. q. v. qui 108vb  
per crucem [C. 22.5.2].
78. Item <qui> scienter falsum iurat vel alium iurare compellit .vii. an. peniteat,  
205 xxii. q. v. si quis convictus [C. 22.5.7].
79. Item qui aliter cellebrat quam sua metropolitana .vii. menses peniteat apud  
eum id est apud metropolitanam si hoc ex contemptu facit, xii. di. c. ult. [D. 12.13].
80. Item nullus debet dimittere proprium sacerdotem et aliis confiteri nisi propter  
ignorantiam proprii sacerdotis, de pe. d. vi. placuit [*De penit.* D. 6.3], Extra. c. om-  
210 nis [X 5.38.12].
81. Item episcopus qui ordinat invitum clericum anno suspenditur, lxxiii. c. ii [D.  
74.2].
82. Item ebrietas casualis veniale peccatum est, voluntaria mortale, xxv. d. § alias  
[cf. D. 25.3, d.p., § 4].
- 215 83. Item episcopus qui dissimulat correctionem de venditione misteriorum debet  
penitere duobus mensibus, sacerdos .iiii., diaconus et alii secundum arbitrium iudi-  
cis, i. q. i. quicquid invisibilis [C. 1.1.101].
84. Item qui procurat venena sterilitatis quoquomodo homicida est, Extra. de  
homicidiis. si quis causa [X 5.12.5].
- 220 85. Item falsus testis si post verbera dicit falsum et non sequitur tamen mortem  
duobus annis peniteat. Si autem dicit falsum .v. annis peniteat, Extra. de falsar. c. i  
[cf. *Compil.* I 5.16.1].
86. Item sortilegus .xi. diebus peniteat, Extra. de sor. c. requisisti [*Compil.* I  
5.17.2].
- 225 87. Item qui videt in astrolabio peniteat duobus annis, Extra. de sorti. ex tuarum  
[X 5.21.2].
88. Item si cadit <stilla> sanguinis Christi in terra radatur locus et ardeat, sacerdos  
peniteat .xl. diebus. Si autem cadat super altare et transit ad unum pannum, duobus;  
si transit usque ad secundum, quatuor diebus peniteat; si ad tertium transierit, .ix.; si  
230 ad quartum .xx. peniteat, de consecra. d. ii. si per negligentiam [*De consec.* D.  
2.27].
89. Item qui vomuit eucharistiam per ebrietatem si laicus est .xl. diebus peniteat, | 109ra  
si clericus .lxxx., si episcopus <cc. peniteat, de con. di. iii. si per ebrietatem [*De*  
*consec.* D. 2.28], infirmus) autem viii diebus.

- 235 90. Item si sacerdotem interfecit .xii. an. peniteat, Extra. de pur. vulgari c. ii. [Compil. I 5.30.2; cf. X 5.38.2].
91. Item qui domum vel aream incendit .iii. an. peniteat, Extra. de penis .c. ii. [X 5.36.6].
92. Item qui dominum vel uxorem suam interfecerat agat penitentiam ut numquam equitet nec in vehiculo veatur, non accipiat uxorem usque ad .x. annum, non comedat carnes nec bibat vinum, et multa alia que inveniuntur in hoc canone; xxxiii. q. ii. admonere [C. 33.2.8], et c. quicumque [C. 33.2.7].
- 240 93. Item qui matrem suam interfecerit .x. an. peniteat depositis armis, xxxiii. q. ii. latorem [C. 33.2.15].
- 245 94. Item de quocumque peccato mortali .vii. an., xxxiii. q. ii. hoc ipsum [C. 33.2.11], et § hoc quamquam [C. 33.2.11, d.p.], nisi minus vel plus inveniatur a canone ut in § preallegato.
95. Item qui cognoscit causa incontinentie uxore(m) venialiter peccat, xiii. di. nervi [D. 13.2], xxxiii. q. iiiii. vir [C. 33.4.7], xxxii. q. ii. quicquid [C. 32.2.3].
- 250 96. Item qui causa sat(u)rante libidinis mortaliter, non in coitu sed in voluntate, licet minus puniatur, xxxii. q. ii. quicquid [C. 32.2.3], et e. q. iiiii et c. origo [C. 32.4.5], xxxii. q. iiiii. vir [C. 33.4.7].
97. Item qui communicat heretico inscius scilicet per negligentiam uno anno peniteat, qui scienter .v. an. et (si) permittit cantare propter eius reverentiam an. peniteat. Qui autem ad subversionem fidei .x. an. peniteat, qui fuit hereticus .xii. an. peniteat, xxiii. q. i. si quidem dedit [C. 24.1.41].
- 255 98. Qui ignoranter concubuit cum duabus sororibus vel cum matre et filia vel amita et nepte .vii. an. peniteat [an.], xxxiii. q. ult. et c. ult. [C. 34.1/2.10].
99. Item de incestu cum brutis datur plus quam .vii. an., xxxiii. q. ii. § hoc
- 260 quamquam [C. 33.2.11, d.p.].
100. Item (qui) proprium filium opprimit .iii. an. peniteat et (uno) in pane et aqua et hoc de baptizatis, | Extra. de homicidiis. c. i, scilicet de his qui filios oppresserunt [cf. X 5.10.3].
101. Item patronus qui res ecclesie dilapidat an. excommunicatur, xvi. q. vii. filiis
- 265 [C. 16.7.31].
102. Item qui lustrat domum suam cum magicis et incantationibus .v. an. peniteat, xxvi. q. v. qui divinatores [C. 26.5.2], et c. non licet [C. 26.5.3].
103. Item si mus comedat corpus Christi .xl. diebus sacerdos peniteat; si perdidit .xxx. diebus peniteat, de consecra. d. ii. qui bene [De consec. D. 2.94].
- 270 104. Item de periurio .vii. an. sicut de adulterio et homicidio, xxii. q. i. precavendum [C. 22.1.17].
105. Item qui iurat cum proximo ad pacem non reddere an. peniteat et ad pacem redeat, xxii. q. iiiii. qui sacramento [C. 22.4.11].
106. Item de simplici forni[i]catione .vii. anni dantur licet non ita aspere, xxii. q. i. precavendum [C. 22.1.17].
- 275

245 ipsum] ? V

250 saturande] satarande V

266 incantationibus] incantoribus V



107. Item qui bis per ignorantiam baptizatur non peccat sed non promovetur, de con. di. iiii. qui bis [*De consec. D. 4.117*], nisi sit excellens.

108. Item qui scienter rebaptizatur .vii. an. peniteat, .vi. feria et .iiii. in quadagesimas in pane et aqua, de consecra. d. iiii. qui bis [*De consec. D. 4.117*].

280 109. Item qui <bis> confirmat(ur) vel batizatur fit de foro ecclesie, de consecra. di. v. dignum [cf. *De consec. D. 5.8*].

110. Item incendiari(i)s datur annus in ultra mare vel in yspaniam et qui relevaverit an. suspenditur, xxiii. q. viii. pesimam [C. 23.8.32]. Hodie post excommunicationem episcopi non possunt absolvi nisi a solo papa, Extra. de sententia excom. tua  
285 [X 5.39.19].

111. Item fornicatio simplex est cum absoluta, adulterium cum uxorata, incestus cum consanguinea, sodomita contra naturam, stuprum cum virgine et puero, raptus ubi de nuptiis nil actu(m) est, xxxvi. q. i. § i [cf. C. 36.1.2], et c. cum ergo [C. 36.1.2, d.p.], et c. raptus [C. 36.1.1].

290 112. Item sacerdos concubinarium cum absoluta | est notatus simplici fornicatione, 109va Extra. de bigamis. quia circa [X 1.21.6].

Explicit liber secundus ubi et in quibus locis sit penitentia a canone diffinita et qui(d) iuris cum non invenitur a canone diffinita.

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# LAW, REFORM, AND THE ORIGINS OF PERSECUTION: STEPHEN OF TOURNAI AND THE ORDER OF GRANDMONT\*

George Conklin

WHEN the distinguished canon lawyer Stephen of Tournai left the monastery of Saint-Euverte, Orléans, to assume the abbacy of the renowned Parisian monastery of Sainte-Geneviève, Paris (1176–91), he ceased to be just another learned abbot of a local monastery. His new office together with his already proven judicial talents automatically propelled him into the upper echelons of the later twelfth-century's church and society.<sup>1</sup> During the years 1185–87, when a revolt of the *conversi* or lay brothers broke out at Grandmont, the opportunities and burdens of his high station became dramatically apparent.<sup>2</sup> With not unmixed blessings, he found himself thrust into the midst

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<sup>1</sup> In 1168 he was asked to address a synod held at Sens in response to the murder of John de la Chaine, the dean of Sainte-Croix (Orléans). Stephen made so strong a pitch calling for royal action against the murderers that he came to the notice of King Louis VII. See Stephen, *Ep.* 2 (ed. Jules Desilve, *Lettres d'Etienne de Tournai* [Paris, 1893], 17–19).

<sup>2</sup> The meaning of *conversus* is confused and the subtleties of its meanings depend on the religious order in question and even which house. Generally, according to Giles Constable (*The Reformation of the Twelfth Century* [Cambridge, 1996], 77) a *conversus* prior to the late eleventh century denoted “a monk who had entered the religious life as an adult and who (unless he was a cleric) was normally illiterate and not in holy orders. He was a full member of the community, however, participated in the holy offices, and was not barred from ordination and promotion.” In the late eleventh and twelfth centuries, however, *conversus* acquired a new meaning: the term “increasingly applied to members of religious communities who had a fixed status from which promotion was impossible, lived part from the ordained (or choir) monks, did not participate in the offices, and performed distinct functions, often of a menial nature” (ibid., 77). Historians have been at pains to distinguish old from new style *conversus*, but new style ones can be spotted apparently when they were forbidden to become monks. (ibid., 79). Also on *conversi*, see J. Bonduelle, “Convers,” in *Dictionnaire de droit canonique*,

of the turmoil as an official mediator on behalf of the church and, happily for posterity, as a witness and recorder of the events. His involvement in the Grandmont controversy brings an opportunity to explore more fully the well-known but less studied linkage between law and reform of the later twelfth century, and to examine the still largely unexplored connections between them and persecution. Such figures as Stephen of Tournai, who are not normally thought of in terms of the persecution debate, but who were lawyers and active reformers, become a new source for testing the hypothesis of a persecuting mentality.

The disturbances at Grandmont were not isolated events; other monastic institutions with lay brotherhoods also had suffered through similar crises, though none arose from precisely the same causes. The Cistercians, for instance, were most notable for the near total subordination of their *conversi* to the fully religious. In their houses, the lay brothers were compelled to live as auxiliary religious outside the cloister and kept almost completely isolated from the choir monks.<sup>3</sup> In fact they were not permitted even to become monks or acquire any schooling. They principally performed agricultural work and were

ed. R. Naz, 7 vols. (Paris, 1935–65), 4:562–88; Thomas A. Brockhaus, *Religious Who Are Known as "Conversi,"* The Catholic University of America Canon Law Studies 225 (Washington, D.C., 1946); Christopher N. L. Brooke, "Priest, Deacon and Layman from St Peter Damian to St Francis," in *The Ministry: Clerical and Lay*, ed. W. J. Sheils and Diana Wood, Studies in Church History 26 (Oxford, 1989), 65–85; Giles Constable, "'Famuli' and 'Conversi' at Cluny: A Note on Statute 24 of Peter the Venerable," *Revue bénédictine* 83 (1973): 326–50; Ronald J. Cox, *A Study of the Juridic Status of Laymen in the Writing of the Medieval Canonists* (Washington, D.C., 1959); Jacques Dubois, "The Laybrothers' Life in the Twelfth Century: A Form of Lay Monasticism," *Cistercian Studies* 7 (1972): 161–213; Conrad Greenia, "The Laybrother Vocation in the Eleventh and Twelfth Centuries," *Cistercian Studies* 16 (1981): 38–45; Kassius Hallinger, "Woher kommen die Laienbrüder?" *Analecta Sacri Ordinis Cisterciensis* 12.1–2 (1956): 1–104; Jean Leclercq, "Comment vivaient les frères convers," in *I laici nella "Societas Christiana" dei secoli XI e XII. Atti della terza Settimana internazionale di studio, Mendola, 21–27 agosto 1965*, Miscellanea del Centro di Studi Medioevali 5 (Milan, 1968), 152–76; Carole Hutchison, *The Hermit Monks of Grandmont*, Cistercian Studies Series 118 (Kalamazoo, 1989); Maurice Laporte et al., "Frères," in *Dictionnaire de spiritualité ascétique et mystique, doctrine et histoire* [DS] (Paris, 1932–), 5:1193–1210, 1227–40; Bruce Lescher, "Laybrothers: Questions Then, Questions Now," *Cistercian Studies* 23 (1988): 63–85; and Michael Toepfer, *Die Konversen der Zisterzienser: Untersuchungen über ihren Beitrag zur mittelalterlichen Blüte des Ordens* (Berlin, 1983).

<sup>3</sup> On the lay brother revolts among the Cistercians, see James S. Donnelly, *The Decline of the Medieval Cistercian Laybrotherhood*, Fordham University Studies, History Series, 3 (New York, 1949); Clemens van Dijk, "L'instruction et la culture des frères convers dans les premiers siècles de l'Ordre de Cîteaux," *Collectanea Ordinis Cisterciensium Reformatorem* 24 (1962): 243–58, esp. 254–56; David Knowles, *The Monastic Order in England*, 2d ed. (Cambridge, 1963), 215; and Jean Berthold Mahn, *L'Ordre Cistercien et son gouvernement* (Paris, 1945), 51–53.

made to wear beards as a sign of their low status. Despite or more likely because of this subordination, conflict arose and erupted into a series of revolts beginning in 1168 at Schönau and reaching a peak in years 1190–1215 when there were twenty-nine other disturbances.<sup>4</sup> While among the Cistercians the revolts centered around the *conversi*'s actual lack of status, among the Gilbertines, who imposed a similarly clear line of demarcation between superior canons and inferior *conversi*, the disturbances of 1164–65 seemed to have revolved more around scandal in the double houses, a relaxation of discipline, the exaction of a new profession different from that administered at Sempringham, and the brutalization of the *conversi* by the canons.<sup>5</sup> Like the Cistercians and Gilbertines, the Premonstratensians set their *conversi* apart: they wore grey copes and were made to wear beards; like their Cistercian counterparts, they could not possess books; they knew only a small number of prayers; and no *conversus* could become a cleric without the permission of the general chapter.<sup>6</sup> The revolt of the *conversi* of Premontr  took place against the zealous Abbot William (1223–28), who more rigorously than heretofore had attempted to enforce the statutes concerning the wearing of grey copes and hoods. The revolt was suppressed only with outside help, and although William lost his abbacy he gained his point in the end, for it was laid down in the statutes of 1234–36 that “in those houses in which the lay brothers are so insubordinate that they refuse to wear grey copes and regulation beards, no more lay brethren shall be received until those previously admitted accept the grey copes and wear proper beards.”<sup>7</sup>

Looking for common threads in all these revolts is both fascinating and frustrating, since in contrast to the low status held by the *conversi* in these three orders, the *conversi* of Grandmont enjoyed unprecedented parity with the *clerici*. They were given extraordinary authority to administer the monastery's

<sup>4</sup> See Martha G. Newman, *The Boundaries of Charity: Cistercian Culture and Ecclesiastical Reform, 1098–1180* (Stanford, 1996), 105 and n. 35 on p. 297.

<sup>5</sup> See Raymonde Foreville and Gillian Keir, *The Book of St Gilbert* (Oxford, 1987), xxiv n. 3 for a comparison of the status of Gilbertine and Cistercian *conversi* and lv–lxii for a discussion of the Gilbertine revolts. With respect to the Gilbertines to say there is a clear definition means only insofar as we can tell from the documents which were all written after the suppression of the revolt. Also see Giles Constable, “The Lay Brothers and Lay Sisters of the Order of Sempringham,” in *Medieval Studies in Honour of Avrom Saltman*, ed. Bat-Sheva Albert et al. (Ramat-Gan, 1995), 83–96; Brian Golding, *Gilbert of Sempringham and the Gilbertine Order c.1130–c.1300* (Oxford, 1995); and David Knowles, “Revolt of Laybrothers,” *English Historical Review* 50 (1935): 465–87.

<sup>6</sup> See H. M. Colvin, *The White Canons in England* (Oxford, 1951), 360.

<sup>7</sup> *Ibid.*, 362, citing Pl. F. Lef vre, *Les statuts de Pr montr  reform s sur les ordres de Gr goire IX et d'Innocent IV au XIII  si cle*, Biblioth que de la Revue d'histoire eccl siastique 23 (Louvain, 1946).

temporal affairs and govern its relations with the outside world.<sup>8</sup> Financial control lay completely in their hands, an innovation unique to the Grandmontines so far as we know, and, as the order prospered, a source of particular irritation to the *clerici*.<sup>9</sup> Under this arrangement, reconciliation would become impossible when the two parties fell to bickering over the *conversi*'s refusal to disclose the financial accounts to the clerics. Similarly in the monastery's internal governance, the *conversi* enjoyed rights and privileges usually reserved to the clerics in other orders: at chapter meetings the opinions of the *conversi* carried the same weight as the clerics; they exercised the same right to vote;<sup>10</sup> they fully participated in the election of the prior;<sup>11</sup> and they could represent their respective houses at the annual general chapter held at the mother house.<sup>12</sup> In matters of discipline, the *conversi* wielded considerable authority through the office of *curiosus* or *dispensator*, who was a *conversus*.<sup>13</sup>

The origins of the unusual position of the Grandmontine *conversus* may be traced to the order's founder, Stephen of Muret, who wished for his house to replicate the biblical types of Mary and Martha.<sup>14</sup> Stephen stood in the place of Mary, who signified the contemplative life and hence was to be freed from all worldly concerns, while the day-to-day management of affairs was entrusted to Hugh Lacerta, a *conversus* representing the active life of Martha. The success of this happy division depended heavily on the *conversi*'s willingness to exercise their authority in a spirit of humility and charity (in the words of the Rule), and on the *clerici*'s reciprocal willingness to tolerate a certain degree of subjection in recompense for the freedom to pursue an unfettered life of spiritual

<sup>8</sup> Rule of Grandmont, chap. 54 (ed. J. Becquet in *Scriptores Ordinis Grandimontensis*, CCCM 8 [Turnhout, 1968], 92–93). The Rule is dated to the fourth prior, Stephen of Liciac (1139–63). Also see J. Becquet, "La règle de Grandmont," *Bulletin de la Société Archéologique et Historique du Limousin* 87 (1958–60): 23–24; and Laporte et al., "Frères," col. 1196.

<sup>9</sup> J. Becquet, "La première crise de l'Ordre de Grandmont," *Bulletin de la Société Archéologique et Historique du Limousin* 87 (1958–60): 283–324 at 323. Though hard to tell, possibly the Gilbertines ceded to their *conversi* similar financial control in the early years.

<sup>10</sup> Hutchison, *Hermit Monks*, 42, 88.

<sup>11</sup> Rule, chap. 60 (ed. Becquet, 96–97); and Becquet, "La règle," 27.

<sup>12</sup> Becquet, "La première crise," 285; and Hutchison, *Hermit Monks*, 42.

<sup>13</sup> Becquet, "La première crise," 288, 323. For the terminology, see Rule, chaps. 54–55 (ed. Becquet, 92–93). Before the Rule it is not clear whether the *curiosus* was a *conversus* or a cleric, but after its promulgation the office was held by a *conversus*; see Becquet, "La règle," 25.

<sup>14</sup> The scriptural basis is found in Luke 10:38–42 and John 12:1–8 and much developed in patristic literature. See Giles Constable, *Three Studies in Medieval Religious and Social Thought: The Interpretation of Mary and Martha; The Ideal of the Imitation of Christ; The Orders of Society* (Cambridge, 1995), 3–141, esp. 80–83 for the application of Mary and Martha to Grandmont; and Laporte et al., "Frères," 1228–29.

meditation and contemplation.<sup>15</sup> Initially, it looked as if this utopian arrangement would endure, but over the course of the twelfth century, the initial convivial relations yielded to incessant suspicion, bickering, and even open hostility now so familiar to us.<sup>16</sup>

The troubles at Grandmont broke into public view in 1185 during the priorate of William of Treignac, who had been elected in 1171. The *conversi* barricaded the unfortunate William in his cell, declared him deposed, and elected in his place Stephen, a cleric from Bois de Vincennes. It is generally agreed there was no single cause for this revolt but rather it was the result of several irresolvable issues coming to a head: a dispiritedness in the order,<sup>17</sup> insufficient guidance from the Rule with regard to the respective powers the clerics and the *conversi*,<sup>18</sup> no clear lines of authority to arbitrate disputes and provide for discipline, and an awkward dual arrangement allowing for no final decision-making. In the end, too much depended upon the good will and cooperation of the two *ordines*, which proved increasingly difficult as the order prospered, especially through Angevin and Capetian benefactions.<sup>19</sup> Apparently it did not

<sup>15</sup> Rule, chap. 54 (ed. Becquet, 92).

<sup>16</sup> See Rose Graham, "The Order of Grandmont and Its Houses in England," chap. 9 of her *English Ecclesiastical Studies* (London, 1929), 223.

<sup>17</sup> A sign of the dispiritedness may be found in the Cistercians and Grandmontines agreeing not to accept *transitus* from each other's orders. On the problem of *transitus* in connection with Grandmont, see Stephen, *Ep.* 1 (ed. Desilve, 3–16) and two letters of Peter of Celle, *Epistolae* 175 and 176 (PL 202:633–636). Stephen's letter is discussed by Becquet, "La première crise," 295–97; Giles Constable, "Liberty and Free Choice in Monastic Thought and Life, Especially in the Eleventh and Twelfth Centuries," in *La notion de liberté au moyen âge: Islam, Byzance, Occident*, ed. George Makdisi et al. (Paris, 1985), 99–118, esp. 109; and Joseph Turk, *Cistercii Statuta Antiquissima* (Rome, 1949), 56–59. On *transitus* in general, see M.-Anselme Dimier, "S. Bernard et le droit en matière de *transitus*," *Revue Mabillon* 43 (1953): 48–82; and Jean Leclercq, "Documents sur les 'fugitifs,'" *Studia Anselmiana* 54 (1965): 87–145.

<sup>18</sup> This is Stephen's complaint found in *Ep.* 148 (ed. Desilve, 172–73); see Becquet, "La première crise," 298–99.

<sup>19</sup> On royal benefaction to Grandmont, see Becquet, "La première crise," 292–95, who points out that while lay and royal benefaction was important, favor from the Apostolic See counted the most. Grandmont received a bull of exemption in 1182 from Pope Lucius III, see *ibid.*, 294–95; also see Hutchison, *Hermit Monks*, 57–64. On Henry II and Grandmont, see Elizabeth M. Hallam, "Henry II, Richard I and the Order of Grandmont," *Journal of Medieval History* 1 (1975): 165–86; and Judy Martin and Lorna E. M. Walker, "At the Feet of St. Stephen Muret: Henry II and the Order of Grandmont *redivivus*," *Journal of Medieval History* 16 (1990): 1–12. On Louis VII's benefaction, which apparently increased after his divorce from Eleanor, see Becquet, "La règle," 33; and Raymonde Foreville and Jean Rousset de Pina, *Du Premier Concile du Latran à l'avènement d'Innocent III (1123–1198)*, pt. 2, *Histoire de l'Église* 9.2 (Paris, 1953), 252. Walter Map, *De nugis curialium*, ed. and trans. M. R. James, revised by C. N. L. Brooke and R. A. B. Mynors (Oxford, 1983), 113–15, tells how the Grandmontines had abandoned their legendary disinterest in worldly affairs, how they had

help that the proportion of *conversi* to *clerici* weighed significantly in favor of the lay brothers. Stephen himself reports 12–15 *conversi* to 3–4 *clerici* for a ratio of about four to one per cell.<sup>20</sup> When we listen to the complaints themselves, they seem almost trivial. The clerics accused the *conversi* of refusing to dispense clothing, of interfering in church services, of constantly dictating new sleeping arrangements, and of even sinking to such pranks as concealing vestments and altar appointments.<sup>21</sup> More bothersome still, the *conversi* often transferred the individual clerics from one cell to another without consultation. “After a while,” as Christopher Brooke noted, “the lay brothers naturally took to bossing the clerks; . . . if the clerks started their services before the lay brothers were ready ‘the lay brothers beat them well.’ ”<sup>22</sup> Although separately these abuses amounted to little more than internal squabbles over the *conversi*’s abuse of power, when added together, they created among the clerics a sense that the *conversi* were acting to the detriment of the spiritual life of the monastery—a view Stephen of Tournai readily shared.

While it is agreed that internal factors contributed most to the breakdown of monastic comity at Grandmont, influences from beyond the walls—at once less apparent but no less real—also played a part. A new religious ethos, linked to a revived priesthood emerging from the recent orders of regular canons, had begun to take hold in the regular life of the twelfth century.<sup>23</sup> Thus the renewal of the priesthood sharpened the sense of sacerdotal distinctness from the lay *ordo* and manifested itself in many ways, notably with the decreasing frequency of lay sacramental reception during this century.<sup>24</sup> The canonists them-

involved themselves too much in temporal concerns, and how they had gained considerable wealth in consequence.

<sup>20</sup> Stephen, *Ep.* 166 (ed. Desilve, 194): “. . . tres aut quattuor clerici duodecim seu quindecim laicis adiungantur per cellulas. . . .” A Grandmontine obit (mid-twelfth century) testifies to 130 *conversi* to 23 *clerici* for an even higher ratio of five to one; see Charles Dereine, “L’obituaire primitif de l’Ordre de Grandmont,” *Bulletin de la Société Archéologique et Historique du Limousin* 87 (1958–60): 325–31. Using the same obit, Becquet, “La première crise,” 295, placed the ratio as high as seven or eight *conversi* to one *clericus* at the time of the original document; Hutchison, *Hermit Monks*, 88, repeats this ratio but considers it exceptional, settling for a usual ratio of at least two *conversi* to one *clericus*.

<sup>21</sup> Hutchison, *Hermit Monks*, 75–76.

<sup>22</sup> Brooke, “Priest, Deacon and Layman,” 81.

<sup>23</sup> On the spirituality of the regular canons, see Caroline Walker Bynum, “The Spirituality of Regular Canons in the Twelfth Century,” chap. 1 of *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley, 1982).

<sup>24</sup> See, for example, *Si quis suadente* (Lateran II [1139] c.15 = Gratian, C.17 q.4 c.29, ed. E. Friedburg, *Corpus Iuris Canonici*, 2 vols. [Leipzig, 1879–81; rpt. Graz, 1955], 1:822) at one end of the twelfth century and Innocent III’s decretal X 5.7.12 (*Liber Extra* or *Decretales Gregorii P. IX*, *ibid.* 2:784–87) from the other; also D. M. Hope, “The Medieval Western Rites,” in *The Study of Liturgy*, ed. Cheslyn Jones, Geoffrey Wainwright, and Edward Yar-

selves, in one sense the social theorists of their day, frequently harped on the carnality hence inferiority of the laity, whom they then compared unfavorably to their own superior clerical estate.<sup>25</sup> This sense of exclusivity that manifested itself outside the cloister could not help but have an impact within, especially in religious orders with *conversi*, like Grandmont.

Certainly to discover some of the common threads in the lay brother revolts reveals something of the religious aspirations of this age of monastic experimentation, but one must be prepared for anomalies, which, however inconvenient, may also inform us about the tangled religious ideals in this period. Some common problems faced by all four orders include the issue of a Rule, whether to have one and if so which one; the gradual transformation of informal institutional arrangements between monks and *conversi* to more formalized duties, obligations, and privileges; a generational problem arising from the passing of the founder and the original members which necessitated replacement by new members with dimmer memories of the past and different ideals for the future; and outside interference ranging from royal and papal benefaction to simple meddling, be it from local nobles or the local church. Of inestimable importance, they all experienced new stresses from changing economic fortunes.

The most notable common issue, but one with many variations, was the matter of the status of the *conversi*. Indeed, what makes the Grandmont controversy so intriguing in light of the other revolts is the difference in standing of Grandmont's *conversi* from those of the Cistercians, Gilbertines, and Premonstratensians. At one extreme, the Cistercian laybrothers revolted over lack of status; at the other, the Grandmont *conversi* reacted to the loss of unprecedented status and as argued here the redirection of the order in a more priestly direction. The problem of status does not seem therefore to be resolvable into

nold (New York, 1978), 238; Gary Macy, *The Theologies of the Eucharist in the Early Scholastic Period* (Oxford, 1984), 118–21; and Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley, 1986), 28, who remarks on how such legislation widened the division between the laity and the clergy.

<sup>25</sup> Gratian, C.12 q.1 c.7 (ed. Friedberg, 1:678); and Stephen, *Summa*, Prologue (ed. Johann Friedrich von Schulte, *Stephan von Dornick [Stephanus Tornacensis]: Die Summa über das Decretum Gratiani* [Giessen, 1891, rpt. Aalen, 1965], 1): "Civitas ecclesia, civitatis rex Christus; duo populi duo in ecclesia ordines: clericorum et laicorum; duae vitae: spiritualis et carnalis. . . ." (For the citations from Stephen's *Summa*, I have checked Schulte's inadequate edition against Vatican City, Biblioteca Apostolica Vaticana Borghese 287.) See Helmut G. Walther, "Haeretica Pravitates und Ekklesiologie: Zum Verhältnis von kirchlichem Ketzerbegriff und päpstlicher Ketzerpolitik von der zweiten Hälfte des XII. bis ins erste Drittel des XIII. Jahrhunderts," in *Die Mächte des Guten und Bösen: Vorstellungen im XII. und XIII. Jahrhundert über ihr Wirken in der Heilsgeschichte*, ed. Albert Zimmermann, *Miscellanea Mediaevalia* 11 (Berlin, 1977), 286–314, noting the general devaluation of the *ordo laicorum* among the Gregorian reformers, which is continued by the canonists.



some generalized question of the balance of power between monks and *conversi*, for the lay brothers of the Cistercians and Gilbertines had little or no power, while the *conversi* of Grandmont reacted to a restriction of their extraordinary power.

Whatever may have been the specific causes peculiar to each set of lay brother revolts, the consequences generally were the same. When the revolts were finally settled, there was a movement toward uniformity and a reassertion of traditional monastic ideals.<sup>26</sup> The age of experimentation in the monastic world came to an end, except among the Franciscans for whom similar ideas of parity between lay brothers and clerics would survive until 1242, when lay recruitment in that order finally came to a close.<sup>27</sup> By the fourteenth century, the elimination of the lay brothers was common to every monastic order which had admitted them.<sup>28</sup> At Grandmont, Stephen of Tournai played a major part in the reassertion of the older ideals of separation between *conversi* and monks with the latter in charge, but ironically he did so with a powerful new weapon, forged from the revived legal foundry at Bologna. Law placed in the service of reform, or as some would now say reformation,<sup>29</sup> served to intensify the religious ferment within which all of the revolts occurred at the end of the twelfth century.

Reform itself, already by Stephen's day, showed signs of moving into new directions. The older emphasis on a personal renewal of the individual centering on the Augustinian *in melius reformare* yielded to a more recent emphasis on reform at both the pinnacle of the church, the papacy, and at the local level of cathedral and monastery: what Giles Constable and Gerhard Ladner have termed corporate reform.<sup>30</sup> This shift to corporate reform beginning about 1130

<sup>26</sup> Constable, *Reformation*, 124.

<sup>27</sup> I would like to thank an anonymous reader for this point.

<sup>28</sup> Colvin, *White Canons*, 362.

<sup>29</sup> This term has recently been adopted by Constable, *Reformation*.

<sup>30</sup> On *in melius reformare*, see Gerhart B. Ladner, *The Idea of Reform: Its Impact on Christian Thought and Action in the Age of the Fathers* (Cambridge, Mass., 1959; rpt. New York, 1967), 156–59; and idem, "St. Augustine's Conception of the Reformation of Man to the Image of God," in *Augustinus Magister: Congrès International Augustinien*, 2 vols. (Paris, 1954), 2:867–78 (reprinted in his *Images and Ideas in the Middle Ages: Selected Studies in History and Art* [Rome, 1983], 2:595–608). On the transference of reform from the personal to the corporate level, see Giles Constable, "Renewal and Reform in Religious Life: Concepts and Realities," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable with Carol D. Lanham (Cambridge, Mass., 1982), 37–67; Gerhard B. Ladner, "Two Gregorian Letters: On the Sources and Nature of Gregory VII's Reform Ideology," *Studi Gregoriani* 5 (1956): 221–42; and idem, "Gregory the Great and Gregory VII: A Comparison of Their Concepts of Renewal," *Viator* 4 (1973): 1–27 (reprinted in *Images and Ideas* 2:629–64).

brought with it some different goals: raising the standard of Christian life among the laity, reemphasizing personal regeneration (often associated with Bernard of Clairvaux), and concentrating reform on the so-called lower church, where it had still not been fully implemented.<sup>31</sup> The reform of the papacy has been the subject of much discussion and need not be revisited here, except to stress the strong connections between papal reform and the development of canon law.<sup>32</sup> As has often been noted, the canonical collections of the late eleventh century attacking simony, nicolaitism, and clerical concubinage were simultaneously repositories of doctrines of papal primacy.<sup>33</sup> Emphasis upon that

<sup>31</sup> On the date of 1130 as a turning point in reform, see Constable, "Renewal and Reform," 42; Raymonde Foreville, "The Synod of the Province of Rouen in the Eleventh and Twelfth Centuries," in *Church and Government in the Middle Ages: Essays Presented to C. R. Cheney on His 70<sup>th</sup> Birthday*, ed. C. N. L. Brooke et al. (Cambridge, 1976), 19–39; and I. S. Robinson, *The Papacy 1073–1198: Continuity and Innovation* (Cambridge, 1990), x, 136–37. On the extension of reform beyond the monastery even before 1130, see Phyllis G. Jestice, "The Gorzian Reform and the Light under the Bushel," *Viator* 24 (1993): 51–78, who discusses Gorze's interest in the world in the tenth and eleventh centuries.

<sup>32</sup> On papal reform, see Ladner, *Idea of Reform*, 298–303, and his "Reform: Innovation and Tradition in Medieval Christendom," in *Theology and Law in Islam*, ed. G. E. von Grunebaum (Wiesbaden, 1971), 53–73 (reprinted in *Images and Ideas* 2:533–58); Karl F. Morrison, *Tradition and Authority in the Western Church, 300–1140* (Princeton, 1969), 274–78, 280–91, 390–408; and Robinson, *Papacy*, 146–78, 179–208. On Pope Gregory VII and reform, see Ladner, "Gregory the Great and Gregory VII"; and Robinson, *Papacy*, 295–97. On papal reform and the revival of law, see Yves M.-J. Congar, "Der Platz des Papsttums in der Kirchenfrömmigkeit der Reform des 11. Jahrhunderts," in *Sentire ecclesiam: Das Bewusstsein von der Kirche als gestaltende Kraft der Frömmigkeit*, ed. Jean Daniélou and Herbert Vorgrimler (Freiburg, 1961), 196–217; Paul Fournier, "Un tournant de l'histoire du droit (1060–1140)," *Nouvelle revue historique de droit français et étranger* 40 (1917): 129–80; P. Fournier and G. Le Bras, *Histoire des collections canoniques en occident*, 2 vols. (Paris, 1931); Horst Fuhrmann, "Das Reformpapsttum und die Rechtswissenschaft," in *Investiturstreit und Reichsverfassung*, ed. Josef Fleckenstein, Vorträge und Forschungen, 17 (Sigmaringen, 1973), 175–203; J. T. Gilchrist, "Canon Law Aspects of the Eleventh Century Gregorian Reform Programme," *The Journal of Ecclesiastical History* 13 (1962): 21–38; Ronald Knox, "Finding the Law: Developments in Canon Law During the Gregorian Reform," *Studi Gregoriani* 9 (1972): 419–66; Hubert Mordek, "Kanonistik und gregorianische Reform: Marginalien zu einem nicht-marginalen Thema," in *Reich und Kirche vor dem Investiturstreit: Vorträge beim wissenschaftlichen Kolloquium aus Anlaß des achtzigsten Geburtstags von Gerd Tellenbach*, ed. Karl Schmid (Sigmaringen, 1985), 65–82; Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford, 1989), 400–404; Robinson, *Papacy*, 205–6, 232; and Gerd Tellenbach, *The Church in Western Europe from the Tenth to the Early Twelfth Century*, trans. Timothy Reuter (New York, 1993), 309–22.

<sup>33</sup> On the development of papal primacy, see H.-X. Arquillière, "Sur la formation de la 'Théocratie' pontificale," in *Mélanges d'histoire du moyen âge offerts à M. Ferdinand Lot* (Paris, 1925), pp. 1–24; Péter Erdő, "L'Ufficio del primate nella canonistica," *Apollinaris* 54 (1981): 357–98, and 55 (1982): 165–93; Karlfried Froehlich, "St. Peter, Papal Primacy, and the Exegetical Tradition, 1150–1300," in *The Religious Roles of the Papacy: Ideals and Re-*

primacy would continue with Gratian, the most important collector of canon law in the twelfth century and the so-called "father of the science of canon law."<sup>34</sup> In solidifying the mutually reinforcing bonds between law and the papacy begun by his canonical predecessors, Gratian set the doctrinal rationale for the unprecedented expansion of papal authority and power in the twelfth and thirteenth centuries through the use of papal legation, judge delegacy, appeal, councils, and decretal legislation. This much seems clear. More controversial, however, is the role he played in reform politics and the place the *Decretum* occupied on the spectrum of reform ideology.<sup>35</sup> However he is finally judged in that regard, Gratian's work marked a significant moment in the development of reform at the corporate level. While the councils of the 1130s admonished the clergy to distinguish themselves from the laity by their beliefs and conduct, that is, obliging the clergy to demonstrate *per verbum et exemplum* their superiority to the lay *ordo*,<sup>36</sup> Gratian, perhaps because of his reformist instincts, juridically hardened the legal distance between the two *ordines*.<sup>37</sup>

*alities, 1150–1300*, ed. Christopher Ryan, Papers in Mediaeval Studies 8 (Toronto, 1989), 3–44; Jean Gaudemet, "La primauté pontificale dans les collections canoniques grégoriennes," in *Cristianità ed Europa: Miscellanea di studi in onore di Luigi Prosdocimi*, ed. Cesare Alzati, vol. 1.1 (Rome, Freiburg, and Vienna, 1994), 59–90; L. F. J. Meulenberg, *Der Primat der römischen Kirche im Denken und Handeln Gregors VII* (The Hague, 1965); Morrison, *Tradition and Authority*, 184–85, 189–92; Ian Stuart Robinson, "'Periculosus homo': Pope Gregory VII and Episcopal Authority," *Viator* 9 (1978): 103–31; A. Carrasco Rouco, *Le primat de l'évêque de Rome: Étude sur la coherence ecclésiologique et canonique du primat de juridiction*, *Studia Friburgensia*, n.s., 73 (Fribourg, 1990); Klaus Schatz, *La primauté du Pape: Son histoire des origines à nos jours* (Paris, 1992); Salvatore Vacca, *Prima sedes a nemine iudicatur: Genesi e sviluppo storico dell'assioma fino al Decreto di Graziano* (Rome, 1993); H. White, "The Gregorian Ideal and St. Bernard of Clairvaux," *Journal of the History of Ideas* 21 (1960): 321–348; and M. J. Wilks, "Papa est nomen iurisdictionis: Augustinus Triumphus and the Papal Vicariate of Christ," *Journal of Theological Studies*, n.s., 8 (1957): 71–91, 256–71.

<sup>34</sup> On Gratian, see Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley, 1972); and Stephan Kuttner, "The Father of the Science of Canon Law," *The Jurist* 1 (1941): 2–19. If Anders Winroth proves to be correct about the recensions of Gratian then the original *Decretum* looked considerably different from the expanded text already in use by the decretists; see his "The Two Recensions of Gratian's *Decretum*," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung* 83 (1997): 22–31.

<sup>35</sup> The standard work is still Chodorow's *Christian Political Theory*, but see the important review by Robert L. Benson in *Speculum* 50 (1975): 97–106.

<sup>36</sup> Robinson, *Papacy*, 135–37.

<sup>37</sup> One only need look through *distinctiones* 21–101 to see the presence of reforming notions in what amounts to a treatise, unsystematic though it is, on clerical probity. There are numerous works on the divisions between the *ordines*. In general, see Tellenbach, *Church*, 338–41. On its origin in the eleventh-century Peace Movement, see Frederick S. Paxton, "The

As a pupil either formally or informally of *magister Gratianus*, Stephen significantly advanced the process of investing the clergy with a juridical aura.<sup>38</sup> And as the founder of the post-Gratian school of canonists in France (called decretists because of their commentaries on the *Decretum*), he also wrote, taught, and practiced law in an intensely reformist milieu. Thus, at Grandmont Stephen had occasion to join his passion for reform with his legal expertise. Moreover, as an abbot with a traditional monastic outlook and as a priest, he brought a sacerdotalizing mentality hardened by law to the task of resolving the seemingly interminable conflict between clerics and *conversi* at Grandmont. When he spoke of a zeal for justice in the context of the revolt, he meant reform at the hands of a centralized and clericalized church. Unfortunately, when he applied reformist notions to the *conversi*, the division between them and the *clerici* only widened. Stephen certainly recognized that his very zeal for justice and reform only made matters worse, otherwise he would not have written so despairingly of his efforts to his friend and episcopal mentor Archbishop William of Reims. In 1191, as bishop-elect of Tournai, after having been importuned by the archbishop one last time to return to the crisis-ridden monastery of Grandmont, Stephen expressed in unusually bitter terms his reluctance to go. He vented his loathing for the *conversi* through biblical terms likening himself to David going against Goliath:

As old and afflicted as I am, you have obliged me to travel [to Grandmont] to snatch the prey [the clerics] from the grasp of the Grandmontine [*conversi*]. It is like fighting wild beasts and snatching prey from the jaws of bears or lions. All the more so since the *conversi* are warriors from youth, and I a mere shepherd boy tending my flock in the desert. But since I am prepared to go to prison

Peace of God in Modern Historiography: Perspectives and Trends," in *Essays on the Peace of God: The Church and the People in Eleventh-Century France*, ed. Thomas Head and Richard Landes (Waterloo, Ont., 1987), 385–404, esp. 396. For a treatment in twelfth-century law, see Luigi Prosdocimi, "Chierici e laici nella società occidentale del secolo XII: A proposito di Decr. Grat. C.12 q.1 c.7: 'Duo sunt genera Christianorum,'" in *Proceedings of the Second International Congress of Medieval Canon Law, Boston College, 12–16 August 1963*, ed. Stephan Kuttner and J. Joseph Ryan, Monumenta Iuris Canonici Series C: Subsidia, vol. 1 (Vatican City, 1965), 105–22. For its treatment in the influential work of John of Salisbury, see Georges Duby, *The Three Orders: Feudal Society Imagined*, trans. Arthur Goldhammer (Chicago, 1980). For its connection to language, see Michael Richter, "Kommunikationsprobleme im lateinischen Mittelalter," *Historische Zeitschrift* 222 (1976): 43–80.

<sup>38</sup> He wrote his *Summa* on Gratian's *Decretum* sometime between 1160 and 1165, probably closer to 1165. See André Gouron, "Sur les sources civilistes et la datation des *Sommes* de Rufin et d'Etienne de Tournai," *Bulletin of Medieval Canon Law*, n.s., 16 (1986): 55–70; and Herbert Kalb, *Studien zur Summa Stephans von Tournai: Ein Beitrag zur kanonistischen Wissenschaftsgeschichte des späten 12. Jahrhunderts* (Innsbruck, 1983). Professor Kalb is in the process of preparing an edition of Stephen's *Summa*.

or meet death at your command, I have made preparations to depart. Whether I fulfill your mandate, only God knows.<sup>39</sup>

The levelling ideals of Stephen of Muret ran counter to the hierarchical and clerical notions of the authoritarian Stephen of Tournai, fortified as he was by canon law and corporate reform.

When news of the revolts reached Rome, it reached a sympathetic Pope Urban III, who quickly moved to restore order.<sup>40</sup> He issued a bull (15 July 1186) seeking to reform the order and to reinstate William.<sup>41</sup> This papal admonition had little effect upon the *conversi*, who continued to rebel. Urban responded on several fronts. He excommunicated Stephen of Bois, reassigned twenty cells to

<sup>39</sup> Stephen, *Ep.* 199 (ed. Desilve, 249): "Senem et crebris infirmitatibus laborantem compellit ad peregrinandum, ut tanquam ad bestias depugnem [1 Corinthians 15:32; *Dig.* 48.8.11], et de manibus Grandimontensium, tanquam de faucibus ursorum aut leonum, predam eripiam [1 Samuel 17:37], cum ipsi sint viri bellatores ab adolescentia sua [1 Samuel 17:28], ego autem sim parvulus et oves pauculas custodiens in deserto. Sed quoniam ad mandatum vestrum paratus sum et in carcerem et in mortem ire [Luke 22:33], proficisci incipiam; sed utrum proficiam, Deus novit." The letter was written to Archbishop William before Stephen's return to Grandmont in 1191. His previous trip occurred sometime between 1186 and 1187 as a papal judge delegate. Stephen was mostly likely ordered back because the popes of these years kept dying on him, and with their deaths his commission as a judge delegate lapsed. It is not clear that he returned in 1191 in this capacity since there is no record of a new commission. See C. R. Cheney, "The Deaths of Popes and Expiry of Legations in Twelfth-Century England," *Revue de droit canonique* 28.2-4 (1978): 84-96.

<sup>40</sup> The appeal arrived at Rome during the last month of Lucius III's pontificate. He took no action on it probably for procedural reasons. There was too little time before Lucius's death for the case to have passed to an auditor, a cardinal, or papal notary, for witnesses on both sides to be cited, for a deposition to be taken at an *audientia contradictioni*, for a finished record to have been drawn up, and for a request for further information be sent. On appeal procedure, see Foreville and Keir, *Book of St Gilbert*, lviii.

<sup>41</sup> PL 202:1416-18 (P. Jaffé et al., *Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, 2d ed., 2 vols. [Leipzig, 1885-88], no. 15650). Its provisions are discussed by Becquet, "La première crise," 300, and Hutchison, *Hermit Monks*, 76-77. Rome would likely have known the details of the dispute from Cardinals Peter of Pavia, Henry of Albano, and the Grandmontine Bernard of Coudre, former advisor to Pope Alexander III and now counsellor to King Philip II of France; see Becquet, "La première crise," 290-91. On Bernard of Coudre/Vincennes, see John W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley, 1986), 34; Becquet, "La première crise," 304-5; idem, "La règle," 34; and Achille Luchaire, "Lettre de M. A. Luchaire sur la question de l'origine des pairs de France et la lettre de Pierre Bernard, ancien prieur de Grandmont," *Revue historique* 54 (1894): 382-91. On Henry of Albano, see Yves M.-J. Congar, "Henri de Marcy: Abbé de Clairvaux, Cardinal-Évêque d'Albano et Légat Pontifical," *Studia Anselmiana* 43 (1958): 1-90. On Peter of Pavia, see Hippolyte Delehaye, "Le légat Pierre de Pavie: chanoine de Chartres," *Revue des questions historiques* 51 (1892): 244-52; and idem, "Pierre de Pavie: légat du Pape Alexandre III en France," *Revue des questions historiques* 49 (1891): 6-61. See also Marcel Pacaut, "Les légats d'Alexandre III (1159-1181)," *Revue d'histoire ecclésiastique* 50 (1955): 821-38.

the exiled, and dispatched a five-member commission of papal judges delegate to investigate.<sup>42</sup> Rather than settling matters, however, Urban's measures only inflamed them. Using the last chapter of the Rule to justify their actions, the *conversi* forced William out again on grounds that he was unfit to hold office.<sup>43</sup> When Stephen of Bois de Vincennes was reelected, reportedly two hundred clerics along with thirteen *conversi* (about a sixth of the community) accompanied the hapless prior into exile.<sup>44</sup> They sought refuge in other houses, especially among the Cistercians. In 1188 William died in exile.<sup>45</sup>

Although Stephen of Tournai may have already been involved, if it is true that he urged Urban III to take the stern measure of excommunicating the anti-prior Stephen of Bois, it is as papal judge delegate that we have the firmest evidence of his participation.<sup>46</sup> He went to Grandmont in that capacity and that commission thereby determined that he would approach the dispute in a juridical mode.<sup>47</sup> Stephen took the side of the *clerici* and placed the blame for the dispute squarely on the shoulders of *conversi*. His letters permit a first-hand glimpse behind the walls and they allow us to compare the palpable rift be-

<sup>42</sup> This was reported by Stephen of Tournai in a letter to Pope Gregory VIII, dated July 1186–October 1187 (Stephen, *Ep.* 148, ed. Desilve, 173), which mentions the judges delegate but without names. Becquet, "La première crise," 301–2 n. 68, identifies the commissioners; he follows the reconstruction of Wilhelm Meyer, "De scismate Grandimontanorum (vier lateinische Rythmen von 1187)," *Nachrichten von der königlichen Gesellschaft der Wissenschaften zu Göttingen, phil.-hist. Klasse* (Berlin, 1906), 49–100, who based it on Bernard Ithier, the chronicler of St. Martial of Limoges.

<sup>43</sup> Rule, chap. 65 (ed. Becquet, 98–99); Hutchison, *Hermit Monks*, 77.

<sup>44</sup> Becquet, "La première crise," 302. According to Bennett D. Hill, "Grandmont, Order of," in *Dictionary of the Middle Ages* (New York, 1982–89), 5:655, Grandmont numbered about 1200 monks around 1200, so roughly one-sixth of the community followed William into exile.

<sup>45</sup> For a discussion of events leading up to and the crisis itself, see Becquet, "La première crise," 283–324; and Hutchison, *Hermit Monks*, 67–91.

<sup>46</sup> Stephen's role in pushing for the excommunication of Stephen of Bois and the reassignment of twenty cells to the clerics is, if any, murky at best. It has to be inferred from the letter he wrote to Albert (Stephen, *Ep.* 148). Becquet, however, sees his hand at work, "La première Crise," 302.

<sup>47</sup> On papal judges delegate, see Charles Duggan, "Papal Judges Delegate and the Making of the 'New Law' in the Twelfth Century," in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson (Philadelphia, 1995), 172–99; Robert C. Figueira, "Subdelegation by Papal Legates in Thirteenth-Century Canon Law: Powers and Limitations," in *In iure veritas: Studies in Canon Law in Memory of Schafer Williams*, ed. Steven B. Bowman and Blanche E. Cody (Cincinnati, 1991), n. 2 on pp. 71–73; George G. Pavloff, *Papal Judge Delegates at the Time of the Corpus Iuris Canonici* (Washington, D.C., 1963); John W. Perrin, "'Legatus' in Medieval Roman Law," *Traditio* 29 (1973): 357–78; Robinson, *Papacy*, 175–76, 192–94, 196–98; and Wacław Uruszczak, "Les juges délégués du Pape et la procédure romano-canonique à Reims dans la seconde moitié du XII<sup>e</sup> siècle," *Tijdschrift voor Rechtsgeschiedenis* 53 (1985): 27–41.

tween *laici* and *sacerdotes* on the outside with the worsening relations within.<sup>48</sup> While he wrote to give voice to the motivations of many of the clerical participants and he was clearly sympathetic to the *clerici*, his letters, nonetheless, unintentionally give hints about the motivations of their antagonists. The letters argue against interpreting the crisis so exclusively in terms of some sudden internal shift in the power and position of that house's *conversi*, important though that was, and rather for setting the crisis against the external milieu of changing lay-clerical relations, which a new class of priestly clerics was introducing to Grandmont. This broader interpretation perhaps explains why, when signs of fracture began to appear, the *conversi* cast themselves in the role of preservers of the original dualistic division of labor established by their founder.<sup>49</sup> From the *conversi*'s point of view they were maintaining the traditions of the order and thereby defending them against what they regarded as the usurpation of their original rights by new style priestly clerics. Thus they regarded the *clerici* as destroyers, not reformers, of the order. When seen from the *conversi*'s perspective, which has to be gleaned through the clerical bias of the likes of Stephen, the violence of the disruptions becomes more understandable. Both sides regarded themselves in a struggle for the survival of their respective visions of Grandmont.

<sup>48</sup> The general assumption is that monastic *clerici* are priests, but in the case of Grandmont it depends on the period in question. At least initially the *clerici* probably were not priests, perhaps in imitation of Stephen of Muret, who never aspired to a higher grade than deacon. It is assumed that the Grandmontine clerics are following the general trend of becoming priests, for according to Hutchison, *Hermit Monks*, 87, by the 1180s a significant portion of the clerics were ordained. On the clerical revival, see *Istituzioni monastiche e istituzioni canonicali in Occidente (1123–1215): Atti della settima Settimana internazionale di studio, Mendola, 28 agosto–3 settembre 1977*, Miscellanea del Centro di Studi Medioevali 9 (Milan, 1980); and *Chiesa, Diritto e Ordinamento della 'Societas Christiana' nei secoli XI e XII: Atti della nona Settimana internazionale di studio, Mendola, 28 agosto–2 settembre 1983*, Miscellanea del Centro di Studi Medioevali 11 (Milan, 1986). On the sacerdotalization of the monastic life, see Brooke, "Priest, Deacon and Layman," 70; Bynum, "Spirituality of Regular Canons," 25–26, 54; Jean Leclercq, "Le sacerdoce des moines," in *Chances de la spiritualité occidentale* (Paris, 1966), 125–78; idem, "On Monastic Priesthood according to the Ancient Medieval Tradition," *Studia monastica* 3.1 (1961): 137–55; Otto Nussbaum, *Kloster, Priestermonch und Privatmesse: Ihr Verhältnis im Westen von den Anfängen bis zum hohen Mittelalter* (Bonn, 1961); and Jacques Winandy, "Les moines et le sacerdoce," *La Vie Spirituelle* 80 (1949): 23–36.

<sup>49</sup> Walter Map, *De nugis curialium*, dist.1 c.17 (ed. James, 52–54): "Vnde grauis orta sedicio dominum Papam adiit; clerici conabantur foris et intus prefici, laici statuta Stephani stare uolebant, et adhuc sub iudice lis est, quia nondum meruit bursa iudicium." In his brief account of the origins of the order, Walter portrayed the lay brothers trying to maintain the statutes of Stephen against the onslaught of the clerics, who sought to have the first place alike in internal and external business.

Insofar as Stephen shared the *clerici*'s convictions he adopted their fervor, which may be seen in a letter recounting the deplorable conditions for the clerics to the papal chancellor, Albert of Mora (later Pope Gregory VIII).<sup>50</sup> He indulged in a considerable amount of hyperbole through biblical metaphor to make his point to the Holy See. Likening the *conversi* to the weak and fattened up cattle of Ezekiel 34:20–21, he described how they, long-bearded as they customarily were, had driven the poor wretched clerics into exile.<sup>51</sup> Borrowing from Luke 16:8, he unflatteringly referred to the *conversi* as “wiser than the children of light in their own generation.”<sup>52</sup> He compared them to various biblical scavengers: like dogs, the *conversi* ate the bread of the children, meaning the clerics (Matthew 15:26); like foxes, they dug holes in the tabernacles of the just (Matthew 8:20, Psalm 117:15); and like birds, the *conversi* built their nests in the house of the just (Matthew 8:20).<sup>53</sup> When the just clerics, that is, the prey in Stephen's metaphor, vacated their cells, the beasts of prey, the *conversi*, moved in to consume what remained. In comparing the *conversi* to predators, Stephen conveyed a sense of the order being eaten alive from the inside out. From an allusion to Matthew 10:16, where Christ admonished the apostles to be as wise as serpents and simple as doves, Stephen related how the cunning of the serpent, that is, the *conversi* had not simply deceived the simple doves, the clerics, but had devoured them.<sup>54</sup>

Among his rhetorical flourishes, the contrast Stephen drew between the simplicity of the *clerici* and the cunning of the *conversi* had a resonance with previous reform literature.<sup>55</sup> To reform for the better (*reformare in melius*) meant

<sup>50</sup> On Albert of Mora, who later became Pope Gregory VIII, see P. Kehr, “Papst Gregor VIII. als Ordensgründer,” in *Miscellanea Francesco Ehrle*, vol. 2, *Studi e Testi* 38 (Rome, 1924), 248–75; and Robinson, *Papacy*, 221.

<sup>51</sup> Stephen, *Ep.* 148 (ed. Desilve, 172): “Luctuosum in Ecclesia Dei spectaculum fideli ac flebili compassione prosequimur Grandimontenses conversos miserabilem cetum clericorum exultantium barbis prolixis tamquam cornibus ventilantes.” Beards were a part of the *conversi*'s habit; see Giles Constable's introduction on beards in the Middle Ages in *Apologiae duae: Gozechini epistola ad Walcherum, Burchardi, ut videtur, Abbatis Bellevallis Apologia de Barbis*, ed. R. B. C. Huygens, CCCM 62 (Turnhout, 1985); and the discussion after Leclercq, “Comment vivaient les frères convers,” in *I laici nella “Societas Christiana” dei secoli XI e XII*, 181–82.

<sup>52</sup> Stephen, *Ep.* 148 (ed. Desilve, 172): “Prudentiores sunt filiis lucis in generatione sua. . . .”

<sup>53</sup> Ibid. (ed. Desilve, 173): “. . . et ecce panem filiorum comedunt canes, et in tabernaculis iustorum vulpes foveas habent, et volucres celi nidos.”

<sup>54</sup> Stephen, *Ep.* 148 (ed. Desilve, 172–73): “. . . et simplicitatem columbe serpentis astucia non tam fraudulenter circumvenit, quam violenter absorbet.”

<sup>55</sup> On simplicity, see Jean Leclercq, “Sancta Simplicitas,” *Collectanea Ordinis Cisterciensium Reformatorem* 22 (1960): 138–48, reprinted as “La simplicité” in *Chances de la spiritualité*, 339–54; Edmond Mikkers, “L'idéal religieux des frères convers dans l'ordre de



among other things a return to simplicity. Stephen, however, found himself in a dilemma, for to restore the simplicity of Stephen of Muret's paradisiacal vision, meant, as he well knew, resorting to the complex bureaucratic machinery of the church. He asserted to Pope Gregory VIII:

They [the clerics] place their sole and complete hope in your good will. . . . Force the *conversi* to obey their pastor [the prior]. . . . Take into your own hands, if warranted, the care of correction and of amendment in that order.<sup>56</sup>

To Pope Clement III, he spoke of appeal to the Holy See as the "common refuge for all oppressed"<sup>57</sup> and exhorted this pontiff to open his "paternal heart to the weary and nearly dead sons so that they, who ought to be free in the dignity of their order and the order of their dignity, not return to their former servitude."<sup>58</sup> He also warned Clement that the process of appeal itself was fragile and susceptible to corruption: "puffed up with pride, crafty in cunning, reveling in their rhetoric, confident in their gifts, the *conversi* approach the Roman church to evade you [Pope Clement III], if possible, and bend and shake the cedars of Lebanon to their wishes."<sup>59</sup> The pope need hardly have been reminded of this possibility, but Stephen wanted to contrast the *conversi*'s legal mischief

Cîteaux aux 12<sup>e</sup> et 13<sup>e</sup> siècles," *Collectanea Ordinis Cisterciensium Reformatorum* 24 (1962): 114–29; and *Simplicity and Ordinarity: Studies in Medieval Cistercian History IV*, ed. John R. Sommerfeldt (Kalamazoo, 1980).

<sup>56</sup> Stephen, *Ep.* 166 (ed. Desilve, 193–94): "Sola et summa spes eorum in beneplacito vestro consistit. . . . Compellat auctoritas apostolica conversos ad obedientiam pastoris sui. . . . Hanc pocius sollicitudinem et curam correctionis et emendationis ordinis illius per vos ipsum, si licet, assumite. . . ."

<sup>57</sup> Stephen, *Ep.* 174 (ed. Desilve, 207): "Ad commune refugium appellationis, in quo dignitas Ecclesie Romane consistit et omnes oppressi refugium inveniunt. . . ." Interestingly nearly the same language had appeared in a forged letter from Pope Alexander III to Bishop Gilbert of London (ca. 1165–70): "Appellantes siquidem et apostolice sedis omnium oppressorum refugium auxilium invocantes coram vobis tanquam rei maiestatis turpiter rapiuntur"; cited from Charles Duggan, "*Improba pestis falsitatis*: Forgeries and the Problem of Forgery in Twelfth-Century Decretal Collections (with special reference to English cases)," in *Fälschungen im Mittelalter. Internationaler Kongreß der MGH, München, 16–19 September 1986*, 5 parts, MGH Schriften 33 (Hannover, 1988), 2:329. On appeal and the notion of the Roman church as a refuge, see Gratian, C.2 q.6.

<sup>58</sup> Stephen, *Ep.* 167 (ed. Desilve, 195): ". . . et languentibus filiis ac prope pereuntibus sinum paternum expandite, ne in pristinam servitutem redeant, quos liberos esse decet et dignitate ordinis et ordine dignitatis."

<sup>59</sup> Stephen, *Ep.* 174 (ed. Desilve, 207): ". . . quidam conversi, fastu elati, astu callidi, gloriantes in verbis, confidentes in muneribus, ad Ecclesiam Romanam accesserunt, ut sanctam religionem vestram, si possint, circumveniant, et cedros, que in Libano sunt, ad voluntatem suam incuciant et inflectant." For relevant passages on appeal, see Stephen's *Summa*, C.2 q.6 c.3 (ed. Schulte, 176–82).

with the *clerici*'s respect for the law: "as they appealed canonically, so they proceed canonically."<sup>60</sup>

Introduced into the Grandmont controversy for his judicial expertise, Stephen naturally sought legal solutions, which, however, led him into conflict with his fellow judges delegate.<sup>61</sup> He showed considerable impatience with Abbots William of Cîteaux and Peter Monocule of Clairvaux for what he regarded as shirking of their duties to the office of judge delegacy.<sup>62</sup> Citing the *Decretum*, he admonished them in terms of the law to enforce the decisions they already made: "I urge you to be vigilant so that what has a good beginning not have a bad ending."<sup>63</sup> He reminded them through a reference to the *Digest* that because "a judgment has not yet been rendered, nor has the case yet been decided" the clerics continue to have to beg and the *pauperes Christi* flee into exile.<sup>64</sup> Stephen's citations were more than a display of legal erudition. In drawing upon Justinian and Gratian, he knew he was reminding his colleagues that in addition to their pastoral duties as heads of monasteries they now had a legal responsibility to reform Grandmont. Abbots though they were, in this instance he thought of them primarily as judicial, not pastoral, figures, and so castigated them in the language of their delegated office to carry out their charge: "Let judicial vigor burn in you so that the Judge of all reward your conscience and the favor of men commend your reputation."<sup>65</sup> This letter was

<sup>60</sup> Stephen, *Ep.* 174 (ed. Desilve, 207): "... sicut et canonice provocantes, ita et canonice prosequentes. . . ."

<sup>61</sup> On Stephen's reputation as a Bolognese canonist, see Kalb, *Studien zum Summa Stephans* and the works cited therein. Also see Stephan Kuttner and Eleanor Rathbone, "Anglo-Norman Canonists of the Twelfth Century," *Traditio* 7 (1949-51): 279-358. On the issue of Gratian's *Decretum* in papal attitudes toward legislating power, see Walther Holtzmann, "Die Benutzung Gratians in der päpstlichen Kanzlei im 12. Jahrhundert," *Studia Gratiana* 1 (1953): 323-49.

<sup>62</sup> On Peter Monocule, abbot of Clairvaux (1179-86), see J.-M. Canivez, "Clairvaux" (2), in *Dictionnaire d'histoire et de géographie ecclésiastiques* [DHGE] (Paris, 1912-) 12:1053; Thomas of Reuil, "Vita domni Petri abbatis Claraevallis," in *Acta Sanctorum*, Octobris, tom. 13 (Paris, 1883), 53-84 (also in PL 209:1007-36); and Chrysogonus Waddell, "Simplicity and Ordinarity: The Climate of Early Cistercian Hagiography," in *Simplicity and Ordinarity*, 26-41. On William, abbot of Cîteaux (1186-89), see J.-M. Canivez, "Cîteaux (Abbaye)" in *DHGE* 12:866.

<sup>63</sup> Stephen, *Ep.* 149 (ed. Desilve, 174): "Ne infirmo peragantur exitu que bono a vobis inchoata sunt principio, vigilet, obsecro, prudentia vestra. . . ." Cf. Gratian, C.1 q.1 c.25: "Que malo inchoantur principio, non bono peraguntur exitu."

<sup>64</sup> Stephen, *Ep.* 149 (ed. Desilve, 174): "Necdum executioni mandata est sententia, necdum transiit in rem iudicatam. . . ." Cf. *Dig.* 42.1.1: "Res iudicata dicitur, quae finem controversiarum pronuntiatione iudicis accipit. . . ."

<sup>65</sup> Stephen, *Ep.* 149 (ed. Desilve, 174): "Ferveat in vobis iudicarius vigor . . . ut et iudex omnium remuneret conscienciam vestram, et favor hominum commendet famam." On *fama*

an expression of the judicially trained and official Stephen, who took seriously his responsibility as papal judge delegate; hence, his stern reminders to the *conversi* of their obligation to obey and to his fellow judges delegate of their duty to compel obedience.

Notwithstanding the authority of canon law and a revived papacy, the determined *conversi* of Grandmont managed to thwart reform of the house.<sup>66</sup> Pope Gregory VIII did not react as quickly to the controversy as Urban III, probably because of his age and his preoccupation with a new crusade. Also Stephen's appeal for aid on behalf of William of Treignac arrived just before Gregory's death in December 1187, too late for any effective action to be taken. As a new pope had to be elected and the accession of Clement III was troubled, the controversy was pushed to the backburner.<sup>67</sup> The *curia*'s distraction left a vacuum. It was filled when Philip II decided to intervene.

The king of France approached the Grandmont affair through a general council of the order, which he summoned to meet with him at Bois de Vincennes in December 1187.<sup>68</sup> His involvement brought much praise from Stephen, but accomplished little. The *conversi* dismissed the Articles of Bois de Vincennes out of hand just as they had the bulls of Urban III.<sup>69</sup> Stephen most likely informed Clement III of their recalcitrance:

And suddenly a north wind shook the corners of that house so that from either fear or flattery the prior, the *conversi*, and a few clerics abandoned their pledge unwisely and shamelessly. They were not afraid to break their oath, and through a certain sacrilege violated what they had sworn.<sup>70</sup>

To make it appear that the king had joined with the papacy in the common pursuit of reform and was not acting out of his own separate motives (as was surely the case), Stephen extolled Philip's reforming virtues with considerable

and *infama* in the canonists and civilians, see Francesco Migliorino, *Fama e infama: Problemi della società medievale nel pensiero giuridico nei secoli XII e XIII* (Catania, 1985).

<sup>66</sup> Volkert Pfaff, "Grave Scandalum: Die Eremiten von Grandmont und das Papsttum am Ende des 12. Jahrhunderts," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, kanonistische Abteilung* 75 (1989): 133–54.

<sup>67</sup> Stephen, *Ep.* 154 and *Ep.* 166; and see Becquet, "La première crise," 304. Clement was elected in Pisa on 12 December 1187 and consecrated there eight days later.

<sup>68</sup> Becquet, "La première crise," 305. Louis VII had founded the Grandmontine cell of Bois-de-Vincennes in 1164.

<sup>69</sup> Hutchison, *Hermit Monks*, 81.

<sup>70</sup> Stephen, *Ep.* 174 (ed. Desilve, 206): "Et ecce subito ventus ab aquilone veniens concussit angulos domus illius, ut tam prior ille quam conversi cum paucissimis clericis, quos aut blanditiis aut timore secum detinent, a fide promissa non minus imprudenter quam impudenter resiliant, et non veriti veritatem corrumpere, sub quodam sacrilegio his que iuraverunt contradicant."

vigor.<sup>71</sup> He spoke of how Brother Bernard, a former prior of Grandmont and now one of Philip's closest advisors, supported the clerics.<sup>72</sup> He stressed how Philip himself intervened on behalf of the clerics for the sake of justice. Any misgivings about lay interference at Grandmont melted away under the torrent of praise for royal intervention.<sup>73</sup>

The letter lauding Philip presents Stephen wearing another institutional hat, that of royal counselor. Without a hint of contradiction, Stephen the legal representative of the papacy expressed clerical disdain for the *conversi*, while Stephen the royal agent used his connections to the most important layman in his world, the king, to promote reform in the church. But there is more to it than just a turning of lay power at the highest level of the kingdom against lay power at the paltry level of the *conversi*.

Stephen well understood that the involvement of the papacy in the controversy could arouse royal resistance and so he worked to prevent a clash. In doing so, he made a plea for *libertas clericorum* to Pope Clement III. He urged the pontiff to open his heart not only to protect the clerics, but more importantly to restore their freedom: "... and since the children ought to be free, the

<sup>71</sup> Ibid. (ed. Desilve, 205–8). Philip may have been motivated by genuine interest in reform, but the fact that the rival Angevins were heavily involved at Grandmont no doubt prompted him as well. Stephen may also have urged Philip to get involved, which, if true, demonstrates his sway over the king in the late 1180s. See Pfaff, "Grave Scandalum."

<sup>72</sup> Stephen, *Ep.* 174 (ed. Desilve, 206–7): "Frater Bernardus, vir simplex et timens Deum et recedens a malo quod laici conceperant, fidei sue secutus integritatem cum quingentis ferme fratribus, laicorum fraudem non sequitur, promissum servat, astuciam fugit, perfidiam detestatur."

<sup>73</sup> Compare the following letters. In *Ep.* 166 (ed. Desilve, 193–94) Stephen declared that if the powerful laymen or the secular princes attempted some kind of reform he had no doubt that they would make it worse than it already was: "... videat sancta paternitas vestra ut non per principes seculi neque per potentes laicos—quod conversi summopere fieri petunt—quasi sub specie pacis et concordie deformis aliqua reformatio fiat inter eos, ne forte, si factum fuerit, fiat novissimus error peior priore." In *Ep.* 174 (207–8) he praised Philip's intervention: "Clamat pro clericis et pro fratre B., qui pro iusticia indesinenter pugnat, in auribus Domini Sabaoth, clamat et in sacris auribus vestris Christianissimus, consanguineus vester, rex Francorum, qui sanguinem suum, cuius particeps estis, cotidie pro Christo effundit, ut formam pacis que per ipsum concessa, conscripta et confirmata, et postmodum sacrilegio perfidorum violata est. . . . Si auctoritate vestra hec acta fuerint, gaudebit super hoc anima domini regis, qui cotidie pro Christo pugnat et quasi a regno pro cruce Christi exulat; gaudebit et gratias vobis aget, Ecclesiam Romanam et attollens preconis, et secundum vestigia patrum suorum in necessitatibus eius et recipiens et honorans." Elsewhere I have dealt with Stephen's close connections to the Capetian court: "Les Capétiens et l'Affaire de Dol de Bretagne, 1179–1199," *Revue d'histoire de l'église de France* 78 (1992): 241–63. It need hardly be said that he did not regard the Capetian kings as layman in any ordinary sense. Of course Stephen saw himself in line with that part of Gregorian reform that sought to eliminate lay interference in ecclesiastical elections: for his attitude, see his *Summa* D.63 and especially D.63 c.7 where he also refers to powerful laymen.

liberty of the clergy should not be destroyed."<sup>74</sup> The phrase, while it shared some resonance with the Gregorian call for *libertas ecclesiae*, nonetheless had a quite different meaning. Stephen's letters concerning Grandmont closely identified *ecclesia* with *clerici*, so much so that they were practically indistinguishable. In this fashion, he heightened the clerical aspect of the church in an otherwise highly nuanced ecclesiology,<sup>75</sup> and in consequence, since the monks of Grandmont were referred to as *clerici*, he rhetorically tied the struggle for the *libertas clericorum* at Grandmont to the venerable cry for *libertas ecclesiae*.

The cry for *libertas clericorum* also contained within it the common call for obedience found in *libertas ecclesiae*. Stephen propounded a twofold obedience: the local obedience every monastic (lay or clerical) owed to the head of his monastery, in this case the prior of Grandmont, and a broader obedience owed to the church's hierarchy summed up in the pope.<sup>76</sup> Stephen regarded the enforcement of that obedience to be a papal responsibility, hence his entreaties to Pope Gregory VIII to compel the *conversi* to obey their prior.<sup>77</sup> He warned the *conversi* that if they, like King Ozias of Judah, arrogated to themselves priestly duties they too ran the risk of meeting the same unpleasant end: "Those subject to the yoke should be obedient and silent. Ozias should not assume priestly functions."<sup>78</sup>

For Stephen, enforcing obedience was more than a matter of upholding a monastic precept. It involved adherence to the church's hierarchical authority. He had a centralizing ecclesiology that ran against the decentralized design of the Grandmontines. As a priest, regular canon, and canon lawyer, Stephen opposed the *conversi*'s parity with the clerics. As a papal judge delegate, the Grandmont controversy became through him a test of the hierarchy's ability to deal effectively with recalcitrant but non-heretical laity. It was not yet a prevalent challenge in Stephen's day, but it would soon become so as the thirteenth-

<sup>74</sup> Stephen, *Ep.* 166 (ed. Desilve, 194): "Et quoniam filii liberi esse debent [Matthew 17:25], clericorum libertas non pereat. . . ."

<sup>75</sup> Stephen had a complex ecclesiology and this is by no means his only understanding of the church. I am presently working on a monographic treatment of Stephen's ecclesiology, wherein some of the thoughts expressed here will form a part of the chapter on his reformist views of the church.

<sup>76</sup> The Rule begins with three chapters on obedience. At the opening of chapter 1 (ed. Becquet, 69–70) the Rule requires obedience to God and the prior of Grandmont.

<sup>77</sup> Stephen, *Ep.* 166 (ed. Desilve, 193): "Compellat auctoritas apostolica conversos ad obedientiam pastoris sui. . . ." It should be noted that Stephen used pastor for prior, which was the customary usage found in the Rule of Grandmont. Stephen was weaving its terminology into his correspondence.

<sup>78</sup> Stephen, *Ep.* 166 (ed. Desilve, 194): "... subiugale sit obediens et mutum [2 Peter 2:16], Ozias sacerdotalia non usurpet [2 Chronicles 16:21]."

century papacy broadened its legal and political reach into Christian society. The Grandmont episode did not signify an auspicious beginning.

Where *libertas clericorum* diverges in meaning from *libertas ecclesiae* is in its political content, or rather lack of it. For Stephen, *libertas clericorum* (at least as he used it at Grandmont) lacked any previous notions of relations of papacy and empire, *regnum et sacerdotium*, church and state. Stephen's celebration of the cooperation of King Philip II and Pope Clement III at Grandmont confirms this.

To Stephen, *libertas clericorum* entailed the freedom of the clergy from any tyranny of the laity (in that sense it also shared similarity in meaning to *libertas ecclesiae*) and wherever the laity were perceived to be interfering in the life of the clergy, the church's legal sanctions were to be invoked. The *conversi* of Grandmont and by extension all laity were to be brought to heel by the two swords of *regnum et sacerdotium*.<sup>79</sup> Should the *conversi* refuse obedience, they would find themselves outside the church (now clerically construed) and subject to harsh ecclesiastical penalty and discipline. This is the implication of Stephen's assertion that the *conversi* would rather flee than obey: "We believe that the main conspirators will go elsewhere wishing to disappear rather than comply, to die rather than obey."<sup>80</sup> Their flight placed them beyond the pale of reform. When they chose to flee rather than obey, they turned their backs on their religious and legal obligation of obedience to papal authority. In Stephen's eyes, they *ipso facto* placed themselves outside of the church. Their actual exile was but the outward manifestation of their internal separation from the body of Christ, whose head was the pope. He therefore could urge the papal chancellor "to meet the haughty laity with that zeal of justice which burns in you and when you meet the downtrodden and humble clerics succor them with that spirit of mercy which you love."<sup>81</sup>

Having chosen to flee and to place themselves outside the church, the *conversi* now faced the same disciplinary measures the church applied to other

<sup>79</sup> Stephen specifically applied the two swords to heretics and schismatics: *Summa*, D.63 d.a.c.1 (ed. Schulte, 89): "Propter haereticos enim et schismaticos, qui catholicam impediebant electionem, principes interesse iussi sunt, ut, quod spiritualis gladius non poterat, carnalis reprimeret."

<sup>80</sup> Stephen, *Ep.* 166 (ed. Desilve, 193): "... credimus quosdam maiores conspirationis illius auctores ad alia transituros, volentes perire potius quam parere, obire quam obedire." Obedience was owed in the words of the Rule "sine murmure et haesitatione" (chap. 1, ed. Becquet, 69–70). The prior was to be elected by the community alone and without any outside intervention. This is spelled out in the Rule, chap. 61 (ed. Becquet, 97).

<sup>81</sup> Stephen, *Ep.* 148 (ed. Desilve, 173): "Inde est, pater sancte ... preces fundo, ut zelo iusticie quo fervetis, occurratis superbientibus laicis, animo misericordie quo diligitis, oppressis et humilibus clericis succurratis."

groups outside the Body of Christ.<sup>82</sup> The similarity between the judicial rigor Stephen applied to the *conversi* of Grandmont and the more generalized phenomenon of ecclesiastical persecution argued for by R. I. Moore lies in a preliminary process of putting to the side.<sup>83</sup> Moore explored this marginalization in the case of Jews, heretics, dissidents, and women; but those were groups outside of the church in its clerical sense anyway. At Grandmont the same process of marginalization was at work, but here it was being applied to members of a religious community. In this light, the question becomes whether the common phenomenon of marginalization links the coercive measures Stephen was prepared to take against the disobedient Grandmontine to Moore's thesis of a persecuting mentality on the part of the hierarchical church.

Stephen did not first find his voice against troublesome laity through his confrontation with the vexatious *conversi* of Grandmont; rather, it was the other way around. He took to Grandmont a disparaging attitude toward defiant laity and applied it to those *conversi*. However they may have stood in the order, Stephen perceived them as lay brothers disobeying ecclesiastical authority, which automatically damaged their cause with him. When confronted with a rebellious *conversi* deaf to both papal and royal admonition, the lawyer Stephen made a case to the pope for their expulsion and reestablishment of clerical authority. He did not approach the Grandmont dispute as an objective arbiter sorting out issues in an effort to render a balanced judgment satisfactory to both parties. There is not the slightest hint that Stephen of Tournai took the order of Grandmont on its own terms and sought to restore Stephen of Muret's original arrangement. To have done so would have required a belief in the equivalent status of *clerici* and *conversi*, and Stephen had no such notion. For him, the conduct and demands of the *conversi* ran against too many ingrained and irrefragable assumptions: a hierarchically graduated church with the papacy at the apex; a view of the church as essentially a clerical institution; a dichotomized conception of Christian society with the clergy at its head; and a sense that dissidents of any stripe were self-marginalizing and therefore subject to ecclesiastical censure and punishment.<sup>84</sup>

<sup>82</sup> On the importance of obedience to the test of heresy, see R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950–1250* (Oxford and New York, 1987), 71, 133.

<sup>83</sup> *Ibid.*, passim.

<sup>84</sup> See Stephen, *Summa*, Prologue (ed. Schulte, 1–2). Stephen's division into clergy and laity was probably most influenced by Gratian, C.12 q.1 c.7. See Kalb, *Studien zum Summa Stephans*, 83–86; and Luigi Prosdocimi, "Unità e dualità del popolo cristiano in Stefano di Tournai e in Ugo di S. Vittore: 'Duo populi' e 'Duae vitae,'" in *Études d'histoire du droit canonique dédiées à Gabriel Le Bras*, 2 vols. (Paris, 1965), 1:673–80. Also see Prosdocimi's

When Stephen called for a restructuring of the order, he meant for it to conform to the prevailing view of the church where laity, here the *conversi*, were subordinate to clergy. Stephen was quite prepared to effect the *conversi*'s subordination through the use of the church's judicial weapons: "The *conversi* and those allied with them neither fearing God nor revering man incur both kinds of excommunication."<sup>85</sup> Possessing a constitution out of kilter with his views of church and society, Grandmont appeared deformed to Stephen and he represented it that way to the pope; hence, his mission was to reform a deformed or misshapened order.

*Reformatio deformis* was a common term in reform literature, but Stephen gave it a different twist. With the earlier reformers, it conveyed a sense of a gulf between what had been and what had come to be, and so to reform the deformed meant a return to some original (often idealized) state.<sup>86</sup> Stephen, however, did not interpret it with this historical dimension of attaining something new by returning to something old. To have done so in the case of Grandmont would have restored the *conversi*'s privileges, which Stephen opposed. He preferred instead to tie *reformatio deformis* to those learned in *regularibus disciplinis*, which meant correction (*corrigere*) by the church.<sup>87</sup> In other words, Stephen understood *reformatio deformis* as having a coercive element. The connection of reform to correction, which Stephen saw as a type of instruction, was not without precedent. Consider the Delphic warning "know thyself," which became a call for interior instruction.<sup>88</sup> Early Christian and medieval writers knew the warning, most notably Augustine, who coupled reproof and correction with the sacrament of penance, a Christianized kind of interior edifi-

"Chierici e laici" and his "Lo stato di vita laicale nel diritto canonico dei secoli XI e XII," in *I laici nella "Societas Christiana" dei secoli XI e XII*, 56-77.

<sup>85</sup> Stephen, *Ep.* 148 (ed. Desilve, 173): "Conversi et qui eis adherent, nec timentes Deum, nec hominem reverentes, utrumque articulum excommunicationis incurrerunt."

<sup>86</sup> Constable, "Renewal and Reform," 40-41. There are other phrases, such as *ad pristinum . . . reducere*, that connect reform to the notion that a return to a former state is a return to a better state. For a discussion, see Ladner, "Gregory the Great and Gregory VII," 18-19 (2:649-50). The notion of *ecclesia primitiva* is also tied into this; see Constable, "Renewal and Reform," 51-53; and Glenn Olsen, "The Idea of the *Ecclesia Primitiva* in the Writings of the Twelfth-Century Canonists," *Traditio* 25 (1969): 61-86.

<sup>87</sup> The ties can readily be seen in Stephen, *Ep.* 166 (ed. Desilve, 193-94): "... videat sancta paternitas vestra ut non per principes seculi neque per potentes laicos . . . deformis aliqua reformatio fiat inter eos. . . . Hanc potius sollicitudinem et curam correctionis et emendationis ordinis illius per vos ipsum, si licet, assumite, aut viris religiosis et qui regularibus disciplinis eruditi sint, id iniungite. . . ." For the connection between *corrigere* and *erudire*, see Ladner, *Idea of Reform*, 46, 60, 313 n. 38, 373-77. On *corrigere* and *emendare*, see Ladner, "Gregory the Great and Gregory VII," 1-27 (2:654-57).

<sup>88</sup> For an insightful treatment, see David Daube, "Error and Ignorance as Excuses in Crime," in his *Ancient Jewish Law: Three Inaugural Lectures* (Leiden, 1981), 49-70.



cation to be sure, but instruction nonetheless.<sup>89</sup> The movement among the Gregorian reformers and their successors was toward transferring correction and reproof from the personal and interior realm found in Augustine to the institutional and corporate sphere reflected in Stephen.<sup>90</sup>

At the first sound of this rumor, ambition sitting upon the ruin of money quakes, the rigor of pride weakens, avarice becomes frightened, envy fills with terror, excess seeks excuse, dissolution takes flight, impurity hunts refuge. In sum, all wantonness and forbidden contracts [simony] bring destruction; only the successor of Peter, who as true judge and stern defender, opposes them.<sup>91</sup>

This kind of thought exemplifies a more generalized phenomenon, which has been described as a movement within the church away from *caritas* to *potestas*, and most commonly associated with Pope Innocent III, after whom it is indisputable that coercion came to play a larger part in the church's handling of dissent.<sup>92</sup> The precedent of Stephen of Tournai, however, cautions against the

<sup>89</sup> See Augustine, *De correptione et gratia*; and Ladner, *Idea of Reform*, 312.

<sup>90</sup> Signs of the shift may already be detected in another monastic controversy involving *conversi*. Pope Alexander III put legal weight behind Gilbert of Sempringham's effort to restore peace during the lay brother's revolt in that order. See Foreville and Keir, *Book of St Gilbert*, 156–58: "Quoniam in commissis tibi domibus dissensiones audiuius et scandala quedam suborta fuisse, eorum correctionem quibusdam personis alterius religionis semel et iterum nos iam pridem meminimus commisisse. Verum ne quis occasione illa predicti ordinis correctionem sibi in posterum uendicare presumat, deuotioni tue et per te successoribus tuis apostolica auctoritate concedimus ut, si in ordine uestro aliqua de cetero emergerint corrigenda, tu uel successor tuus ea cum consilio priorum eiusdem ordinis secundum statuta uestra corrigere et emendare possitis, et secundum quod magis expedire uideritis reformare" (156). Another clear statement of papal prerogative came in a letter Pope Alexander III sent to the archbishops and bishops in whose jurisdictions there were Gilbertines: "Si tenemur omnibus ecclesiasticis uiris patrocinium apostolice protectionis impendere, multo forcius et attentius illos protegere cogimur et fouere qui sub regulari disciplina famulantur ab inquietatione secularium personarum debent omni tempore manere quieti" (158). Inasmuch as the Grandmont controversy should be seen against other order's troubles with lay brothers, notably Cistercians and Premonstratensians, so it opens up for investigation the role of law, corporate reform, and repression in the entire lay brother phenomenon.

<sup>91</sup> Stephen, *Ep.* 166 (ed. Desilve, 192–93): "Ad primum rumoris huius sonitum, sedens super corruptelam pecunie contremuit ambitio, rigor elationis detumuit, expavit avaricia, inuidia pallore suffusa est; superfluitas excusationem, dissolutio fugam, inmundicia latibulum quesierunt. In summa, contactus omnes et contractus illiciti summum timent exterminium, quibus tantus Petri successor obiciet se verum iudicem vindicemque severum."

<sup>92</sup> See Ludwig Buisson, *Potestas und Caritas: Die päpstliche Gewalt im Spätmittelalter* (Cologne-Graz, 1958); and Helmut G. Walther, "Häresie und päpstliche Politik: Ketzerbegriff und Ketzergesetzgebung in des Übergangsphase von den Dekretistik zur Dekretalistik," in *The Concept of Heresy in the Middle Ages (11th–13th C.)*, ed. W. Lourdaux and D. Verhelst, Proceedings of the International Conference, Louvain, 13–16 May 1973 (The Hague, 1976), 104–43.

inclination to place the origins of persecution suddenly on Innocent's shoulders, and rather supports E. Peters's suggestion: "What Innocent [III] wanted most of all was *reform*—of clergy and laity alike—not persecution or condemnation."<sup>93</sup> As is known, Innocent was at Grandmont at the same time as Stephen during the height of the rebellion, and while it can remain no more than a tantalizing suggestion, might not the future pope have learned from the venerable abbot a valuable first-hand lesson on how to put coercive measures in the service of reform?<sup>94</sup>

The breakdown of discipline and obedience at Grandmont also represented to Stephen "a world turned upside down."<sup>95</sup> He accused the *conversi* of arrogating to themselves the altar, of acting as if the plow were put before the ox, and of presuming as illiterates (*idiotae*) to teach the clergy. Worst of all as laymen, they dared to rule the priesthood.<sup>96</sup>

Originally, the imagery of the "world turned upside down" was connected to education where the learned complained that the unlearned presumed to teach. Transferring this heartfelt metaphor from the world of learning to ecclesiastical reform, Stephen thought that wherever the laity governed the clergy, the kinds of problems found at Grandmont would follow. In his hands, this topos of social inversion became another metaphor (like *libertas clericorum* and *reformatio deformis*) to call for the reordering of not only Grandmont but all of Christian society under clerical and specifically papal direction.

With the accession of Pope Innocent III just such an effort would be tried. The role of the Grandmont controversy in forming his desire to reorder has not been examined as far as I know, but certainly when he later set about realigning the order, he did so along the lines of the Cluniacs, so that in the end

<sup>93</sup> Edward Peters, *Inquisition* (Berkeley, 1989), 51.

<sup>94</sup> How Innocent came to be at Grandmont, what he did there, what relations if any he had with Stephen, and how long he stayed needs further investigation. See Becquet, "La première crise," 317; and Brenda M. Bolton, "Via Ascetica: A Papal Quandary," in *Monks, Hermits and the Ascetic Tradition*, ed. W. J. Sheils, *Studies in Church History* 22 (Oxford, 1985), 161–92.

<sup>95</sup> The topos of a world turned upside down, which has both biblical and classical roots, is discussed by Ernst Robert Curtius, *European Literature and the Latin Middle Ages*, trans. Willard R. Trask (New York, 1953), 94–98, who mentions briefly its application to the Grandmont controversy in *Carmina Burana*, no. 37. For the text and commentary, see *Carmina Burana: mit Benützung der Vorarbeiten Wilhelm Meyers*, ed. Alfons Hilka and Otto Schumann, 2 vols. (Heidelberg, 1930), 1:60–62, 2:59–64; and see Meyer, "De scismate Grandimontanorum," 51–62, who also discusses *Carmina Burana*, no. 37, as well as Grandmont and Stephen of Tournai.

<sup>96</sup> Stephen, *Ep.* 167 (ed. Deselve, 195): "... ubi conversi converso ordine ministris dominantur altaris, ita ut capite deorsum domus pendeat, bobus aratrum preferatur, idiota doceat clericum, laicus imperet sacerdoti." There is a pun on *idiotae*, which generally means illiterate but *conversi* are also called *idiotae* or *illiterati*; see Laporte et al., "Frères," 1194, 1209.

Grandmont was transformed into a quasi-Cluniac establishment characterized by strong centralized government coupled with relaxation of the severities of life.<sup>97</sup> Papal tinkering ensured the order's continued existence for the rest of the Middle Ages but destroyed the pattern of life originally envisioned by its founder.<sup>98</sup> Innocent and his successors were to resolve the Grandmont controversy through near total restructuring of the order. Their intention not to allow the order's unusual constitutional arrangement to stand had its roots in the church's institutional incapacity to resolve a clash between an ecclesiology that was clerical and hierarchical (both being reinforced by canon law) and an equalizing monastic community that had constitutionally elevated the *conversi* to coequal status with the *clerici*. The papacy's difficulty was with the status of the Grandmontine *conversi*, which was not mitigated by their own defiance. Papal reaction to Grandmont anticipated the later church's struggles with troublesome and heretical laity whenever they challenged the clerical *ordo*.<sup>99</sup>

The struggle between the defiant laity and the church has received much attention of late because scholars have seen in it the origins of a persecuting society. The recent work of Moore contains some of the most perceptive, and indeed controversial, reflection; and, he and other scholars have argued for the development of persecution as a consequence of a complex series of disparate events finally combining in the twelfth-century to form a persecuting mentality.<sup>100</sup> Moore has rightly called attention to the role of law as an important factor, but law requires a medium for its practical application, and reform in the hands of Stephen provided that medium.<sup>101</sup> His approach to reform, however, exposes a rift within the ranks of the reformers themselves, between those like himself who favored the use of law and those who did not, for instance, St. Bernard, whose general disdain for law was well known.<sup>102</sup> When applied to the

<sup>97</sup> See Jean Fouquet and Philippe-Étienne, *Histoire de l'Ordre de Grandmont* (Chambray, 1985), 9.

<sup>98</sup> *Ibid.*, 52–64.

<sup>99</sup> On the tension between clergy and laity in later medieval Germany, see D. A. Eltis, "Tensions between Clergy and Laity in Some Western German Cities in the Later Middle Ages," *The Journal of Ecclesiastical History* 43.2 (1992): 231–48.

<sup>100</sup> R. I. Moore, *The Origins of European Dissent* (New York, 1977) and his *Formation of a Persecuting Society*. While Moore acknowledges the connections between law, reform, bureaucratic centralization of ecclesiastical power in the papacy, and persecution, his work does not focus on specific figures and instances where legal and institutional forces merge to form a persecuting mentality.

<sup>101</sup> Moore, *Formation of a Persecuting Society*, 106–12, 131–35.

<sup>102</sup> Bernard of Clairvaux, *De consideratione* 1.4.5 (ed. J. Leclercq and H. M. Rochais, *Sancti Bernardi Opera* 3 [Rome, 1963], 399): "Et quidem quotidie perstrepunt in palatio leges, sed Iustiniani, non Domini." See Yves Congar, "L'ecclésiologie de S. Bernard," in *Saint Bernard Théologien. Actes du Congrès de Dijon, 15–19 septembre 1953* (Rome, 1953 [= *Analecta Sacri Ordinis Cisterciensis* 9]), 136–90.

reform of Grandmont, legal measures undermined reconciliation between *conversi* and *clerici*; when applied to Christian society as a whole they sowed seeds of permanent alienation between *mater ecclesiae* and significant parts of her *congregatio fidelium*. It seems worthwhile to consider whether this legal zeal lies close to, if not actually being a sign of, the controversial notion of a persecuting mentality.<sup>103</sup> Stephen's entanglement in the Grandmont controversy, not otherwise seen in the light of law, reform, and questions of persecution, has something to say about all three at the end of the twelfth century.

As early as 1163 in response to the Cathars of Languedoc, the Council of Tours established the clergy's duties to inquire into any sects, to imprison their members, and to confiscate their goods.<sup>104</sup> More repressive measures would be taken against the Waldensians in the Third Lateran Council of 1179. Lucius III's bull of 1184, *Ad abolendam*, which condemned the Cathars, Patarini, *Humiliati*, and the Poor Men of Lyons has usually been taken as a watershed in papal repression of lay popular movements.<sup>105</sup> These acts and others drove devotees of the *vita apostolica* away from the church.<sup>106</sup> The lay popular movements arose and flourished in a spirit of defiance mindful of the struggles of the *ecclesia primitiva* in the age of persecution.<sup>107</sup> When lay men and women went too far in expressing their dissatisfaction with the gap between the twelfth-century church's own word and example (*verbum et exemplum*) the in-

<sup>103</sup> See B. S. Bachrach's well-taken admonition that the notion of a persecuting mentality has to be tested against more historical evidence (review of Moore's *Formation of a Persecuting Society* in *Choice* 25 [1987–88]: 1740).

<sup>104</sup> See Gordon Leff, *Heresy in the Later Middle Ages*, 2 vols. (Manchester, 1967), 1:36; Henri Maisonneuve, *Études sur les origines de l'Inquisition*, 2d ed. (Paris, 1960), 126–27; and Robert Somerville, *Pope Alexander III and the Council of Tours* (Berkeley, 1977), 50.

<sup>105</sup> Generally on the Waldensians, see Arno Borst, *Die Katharer*, MGH Schriften 12 (Stuttgart, 1953); Kurt-Victor Selge, *Die ersten Waldenser*, 2 vols. (Berlin, 1967); Christine Thouzellier, *Catharisme et valdéisme en Languedoc à la fin du XII<sup>e</sup> et au début du XIII<sup>e</sup> siècle* (Paris, 1966). On the Waldensians and the Third Lateran Council, see Walter L. Wakefield and Austin P. Evans, *Heresies of the High Middle Ages* (New York, 1969), 202–4; and Leff, *Heresy in the Later Middle Ages* 2:448–49. On the connection of reform to heretical attacks on the eucharist by the Waldensians and others, see Macy, *Theologies*, 56–60. Lucius III's *Ad abolendam* may be found in PL 201:1297–1300. On the playing out of the judicial consequences of *Ad Abolendam* in the treatment of heretics, see J. M. M. H. Thijssen, "Master Amalric and the Amalricians: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris," *Speculum* 71 (1996): 43–65 at 59. On the *Humiliati*, see Brenda Bolton, "Innocent III's Treatment of the *Humiliati*," in *Popular Belief and Practice*, ed. G. J. Cuming and Derek Baker, *Studies in Church History* 8 (Oxford, 1972), 73–82.

<sup>106</sup> See Ernest W. McDonnell, "The *vita apostolica*: Diversity or Dissent?" *Church History* 24 (1955): 15–31.

<sup>107</sup> Herbert Grundmann, "Eresie e nuovi ordini religiosi nel secolo XII," in *Storia del Medioevo*, vol. 3 of *Relazioni del X Congresso Internazionale di Scienze Storiche, Roma, 4–11 settembre 1955* (Florence, 1955), 357–402.

stitutional church reacted.<sup>108</sup> A crystallizing moment came when Pope Innocent III responded to the growth of heretical teaching near the end of the twelfth century, particularly from the Waldensians. During his twelve-year pontificate, Innocent greatly accelerated the use of legal countermeasures against heretics: he instituted the *inquisitio* as a criminal procedure in ecclesiastical courts (X 5.3.31 and X 2.1.17), made heresy the ecclesiastical equivalent to treason in Roman law (X 5.7.10),<sup>109</sup> and aided the delivery of criminous clergy to the secular arm (X 5.40.27).<sup>110</sup> Wherever Innocent himself may have stood in the movement from *caritas* to *potestas*, the cumulative effect of these enactments leaves little doubt that he eased the way for ecclesiastical repression of dissent of any stripe.<sup>111</sup> Reaffirming earlier provisions of repression, the Fourth Lateran Council of 1215 completed a half-century period of development of ecclesiastical tools to deal with dissent.<sup>112</sup> In response to the church's intense suspicion of heterodoxy, such groups sought other avenues to express their religious piety, often turning that piety into heresy under the press of authority, as the treatment of the Waldensians exemplified.<sup>113</sup> In an atmosphere where the boundaries between unorthodox habits of life bled into unorthodox beliefs, it is easy to see how the papacy lumped and consequently condemned them all together.<sup>114</sup>

<sup>108</sup> See Caroline Walker Bynum, *Docere Verbo et Exemplo: An Aspect of Twelfth-Century Spirituality* (Missoula, 1979).

<sup>109</sup> On the decretal *Vergentis in senium*, see Walter Ullmann, "The Significance of Innocent III's Decretal 'Vergentis,'" in *Études d'histoire du droit canonique dédiées à Gabriel Le Bras*, 1:729–41.

<sup>110</sup> Brenda Bolton, "Tradition and Temerity: Papal Attitudes to Deviants 1159–1216," in *Schism, Heresy and Religious Protest*, ed. Derek Baker, *Studies in Church History* 9 (Oxford, 1972), 79–91, discusses the church's forbearance with dissident movements between 1159 and the Fourth Lateran Council. There is an enormous literature on heresy and law. The recent article by Thijssen, "Master Amalric," provides a good guide and shows how the new law was being applied to the cases of heresy.

<sup>111</sup> Peters, *Inquisition*, 51 notes Innocent was more interested in reform than repression.

<sup>112</sup> There were exceptions indicating flexibility, but the propensity was toward repression. For example, Pope Innocent III gave the *Humiliati* limited rights to preach, but refused their request for official recognition, see Bolton, "Innocent III's Treatment of the *Humiliati*."

<sup>113</sup> See Leff, *Heresy in the Later Middle Ages*, 1:11, 2:448, 483–85. Cf. also the growth of the Beguines and Beghards: *ibid.*, 1:18–22; E. W. McDonnell, *The Beguines and Beghards in Medieval Culture* (New Brunswick, N.J., 1954); and Carol Neel, "The Origins of the Beguines," *Signs* 14 (1988–89): 321–41.

<sup>114</sup> Morris, *Papal Monarchy*, 350. Again the Waldensians come to mind because they opposed the Cathars as much as the orthodox church did. Bolton, "Tradition and Temerity," 83, notes that deviation from the basic tenets of the church were standard marks of heresy, but on questions of preaching and voluntary poverty, papal policy was still developing. Thus there was considerable ambiguity in dealing with the dissident movements, heretics, and schismatics in the period before the Fourth Lateran Council. A good example is how Pope Alexander

The common element between the repression of the Waldensians, Beguines, Beghards, and the *Humiliati* on the one hand and the *conversi* of Grandmont on the other was that each involved a process of marginalization of the laity. While this perhaps was not so unusual, the difference between these other movements and the case at Grandmont, however, lay in the repression of its *conversi* where there were no issues of heterodoxy. Stephen's activities signal a change in the church's attitude toward lay dissent. Now it was prepared to repress nonheterodox challenges to its judicial authority with the same measures it applied to heretical challenges to its teaching authority or *magisterium*.

When Stephen visited Grandmont, he went as a reformer, as an agent of the papacy, and as a canonist determined to eliminate the disobedient *conversi*. He saw in them a challenge to the church's legally constituted authority to govern. His actions against the *conversi* took their inspiration from a juridical conception of the church's hierarchy, reinforced by the new systematic study of canon law awakened at Bologna where he had studied. This new legal rationalizing of the church's hierarchical structure, when married to the call for reform of all Christian society, impelled the church toward ever more aggressive measures against lay dissent. In the end the new force of legal learning and the new direction of reform contributed as much from within to justify repression as its heretical enemies did from without.<sup>115</sup>

When the anticlerical sentiment stretching across Europe at the end of the fifteenth century was linked with fundamental ecclesiological challenges latent in the teachings of the likes of Wyclif, the church faced revolution.<sup>116</sup> The voice that the reformers and heretics gave to the discontented laity cut so deeply into the fabric of the medieval church that the lines of division between *clerici* and *laici* would either have to be redrawn or a new church would be created. Efforts at modification in the pre-Luther days would fail for many reasons, but not the least among them would be that the division between the *ordines* had so crystallized in law over such a long period of time that true root and branch reform was lost in the brambles of law.

III dealt with Valdes in 1179. According to the *Chronicle of Laon*, ca. 1219 (Anonymous of Laon, *Chronicon universale*, ed. A. Cartellieri and W. Stechele [Leipzig and Paris, 1909], 29), the pope approved of their vow of poverty, but forbade them to preach without local approval. With the onus for dealing with them thrust back upon the local church, it was not long before a breakdown in relations between it and Valdes occurred. In 1181, Archbishop John of Lyon prohibited the Waldensians from expounding Scripture, which only fueled their truculence, and so as Maisonneuve stated it (*Études sur les origines de l'Inquisition*, 138–39), they passed from disobedience to heresy in fairly short order.

<sup>115</sup> See Leff, *Heresy in the Later Middle Ages*, 14–16, 22–23; and Moore, *Formation of a Persecuting Society*, 133–34.

<sup>116</sup> Brian Gogan, *The Common Corps of Christendom: Ecclesiological Themes in the Writings of Sir Thomas More* (Leiden, 1982), 51–57 and the works cited therein.

Stephen's significance lay not in creating these divisions, but rather in deepening them through propagating in his reform activities a sacerdotalized ecclesiology rationalized in terms of law. Although Stephen was but one of a number of canonists engaged in this juridical rationalization, he, as his correspondence reveals, stood especially close to the papacy when this restrictive ecclesiology was taking hold in the 1180s. It should be remembered that Umberto Crivelli, later Pope Urban III, and Stephen were students together at Bologna, and, of course, he and the future Pope Innocent III were both at Grandmont during the height of the *conversi's* rebellion.<sup>117</sup> If these observations concerning Stephen's role at Grandmont are correct, then his activity there gives us a concrete historical instance against which to test Moore's challenging work, and opens a range of figures and sources against which to examine with specific historical cases the debate over the notion of a persecuting mentality.

As to Stephen himself, was he a persecutor? Not as we have come to understand the term today, nor in the sense in which Moore would have it either. He was not possessed of a persecuting mentality, but he certainly had a delimiting one and was willing to translate it into practice. The historical transition to a persecuting mentality (if one accepts the term of art) is a process involving many factors, whose nuances, given the nature of medieval sources, make it difficult if not impossible to grasp fully; but, perhaps by watching a prominent reformer and powerful legal personality like Stephen, we have caught sight of one of those significant, if not defining, moments along the painful way toward persecution in the West.

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<sup>117</sup> On Urban and Stephen as students, see Stephen, *Ep.* 136 (ed. Desilve, 159).

EDUCATION AND THE CARE OF SOULS:  
POPE GREGORY IX, THE ORDER OF ST. VICTOR,  
AND THE UNIVERSITY OF PARIS IN 1237\*

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ON 26 January 1237 Pope Gregory IX dispatched a letter from the papal residence at Teramo to the regular canons of the Order of St. Victor at Paris. *Animarum lucra querentes*, as the letter will be called here, gave the Victorines permission to have a university theology master teach in their abbey:

To the abbot and community of the monastery of St. Victor in Paris: Seeking the benefit of souls and delighting in the honor of regular order, we freely provide the cooperations that you so earnestly requested, in order that we ourselves might be considered cooperators as the pastoral office requires. You have humbly requested of us that we concede to you, for whom it is not safe to travel through towns and villages, the right of having a theology master who teaches in the theology faculty in your monastery because it is believed that you should be instructed in the Sacred Page in order to expedite the salvation of your souls and the souls of others; and because your brothers, to whom Parisian students often make their way in order to receive penance, and whom not a few others approach for salutary counsel, with the permission of their own spiritual superiors, are often required to dispense the nourishment of the Word of God in parish churches which pertain to your monastery; (you have requested that we concede the right) especially since the statutes of your order permit you to be free for instruction of Holy Doctrine in your cloister, and the custom of your order requires it, though it has been interrupted for a little while. We therefore allow your requests, having been turned favorably toward your supplications. . . .<sup>1</sup>

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<sup>1</sup> " . . . Abbati et conventui monasterii Sancti Victoris Parisiensis. Animarum lucra querentes et regularis diligentes ordinis honestatem libenter hiis cooperantia providemus maxime requisiti, ut et nos ipsi cooperatores sicut pastorale officium exigit existimamus. Ex parte siquidem vestra nobis fuit humiliter supplicatum, ut cum animarum vestrarum et aliorum



The importance of *Animarum lucra querentes* for the origin of the University of Paris has received considerable scholarly attention. The letter's importance for the history of pastoral care, by contrast, has not. The disparity is unfortunate, for *Animarum lucra querentes* has much to contribute to our limited but currently growing understanding of the ways in which Christian pastoral ministry was perceived and discharged in the early thirteenth century. Gregory's letter offers a glimpse of the organizational, functional, and topographical diversity of Victorine pastoral ministry in the 1230s, but it also reveals other aspects of pastoral care more generally construed. For instance, the letter marks an early and striking instance of the belief that university instruction could be a source of practical training in the *cura animarum*. It also informs us of hitherto unrecognized aspects of Pope Gregory IX's involvement in the reform of religious orders, an involvement that was motivated by pastoral concern. Finally, when read with increased attention to its pastoral significance, *Animarum lucra querentes* provides new insights into the early development of the University of Paris and the Victorine school's role in that development.

#### HISTORY OF A LETTER

For almost a century and a half, historians of the University of Paris have deployed *Animarum lucra querentes* as documentary proof that public instruction stopped being offered at the abbey of St. Victor at the end of the twelfth century,<sup>2</sup> and thus that the Victorine school was not one of the Parisian schools

saluti expedire credatur, quod debeatis in divina pagina erudiri quia frequenter per fratres vestros in parrochialibus ecclesiis ad monasterium vestrum spectantibus pabulum verbi Dei oportet necessario ministrari, ad quos pro recipienda penitentia scolares studentes Parisius sepe recurrunt ac nonnulli alii de suorum praelatorum assensu ad ipsos accedunt pro consilio salutari, habendi magistrum theologum in prefato monasterio, qui in theologica doceat facultate, vobis quibus non est tutum per civitates et villas discurrere licentiam concedere debemus, presertim cum statuta ordinis vestri permittant, ac predicti monasterii consuetudo licet aliquandiu extiterit intermissa requirat, ut sacre lectionis doctrine in claustro vacetis. Nos igitur vestris supplicationibus inclinati, devotioni vestre auctoritate presentium concedimus postulata. Nulli ergo, etc., nostre concessionis, etc. Si quis autem, etc. Dat. Interamne, vij kal. Februarii, anno decimo" (Vatican City, Archivio Segreto Vaticano, Reg. Vat. 18, fols. 221v–222r, printed in *Chartularium Universitatis Parisiensis* [CUP], ed. Heinrich Denifle and Émile Chatelain, 4 vols. [Paris, 1889–97], 1:159, no. 111; also printed in Lucien Auvray, *Les registres de Grégoire IX. Recueil des bulles de ce pape publiées ou analysées d'après les manuscrits originaux du Vatican*, 4 vols. [Paris, 1896–1955], 2:542, no. 3463).

<sup>2</sup> "Public instruction" was that instruction offered by Victorine masters to externs, those clerics who were neither actual or potential members of the Victorine Order. See M. M. Hildebrandt, *The External School in Carolingian Society* (New York, 1992), esp. 1–4, for a helpful treatment of external education in general.

out of which the university grew. Charles Thurot was probably the first to declare that the Victorine school had disappeared by the beginning of the thirteenth century,<sup>3</sup> but Heinrich Denifle was the first to advance Gregory's letter as proof of that alleged disappearance.<sup>4</sup> In the introduction to the first volume of the *Chartularium Universitatis Parisiensis*, Denifle reduced his argument to one sentence: "The question of the Victorine school [being a source of the University of Paris] has been laid to rest, for after the death of its famous masters in the twelfth century the monastery lacked a master, as indicated by the fact that in the year 1237 Gregory IX expressly granted a theology master to the abbot and monastery (see no. 111 [i.e., *Animarum lucra querentes*])."<sup>5</sup> Hastings Rashdall followed Denifle in *Universities of Europe in the Middle Ages* and cited *Animarum lucra querentes* as evidence that the school at St. Victor "played no part in the development of the University; it had ceased to exist, or ceased to attract secular students, before the first traces of a university organization begin to appear."<sup>6</sup> Rashdall's successors have reiterated the claim, and if there is some disagreement about the exact moment when the Victorine school ceased to attract secular students,<sup>7</sup> there is widespread agreement as to the

<sup>3</sup> "Quoique cette école ait eu beaucoup de réputation au XII<sup>e</sup> siècle, elle ne réussit pas plus à maintenir sa réputation qu'à faire prévaloir sa méthode. Elle s'efface au XIII<sup>e</sup> siècle sans laisser de traces" (Charles Thurot, *De l'organisation de l'enseignement dans l'Université de Paris au moyen-âge* [Paris, 1850], 6). Thurot did not include the Victorine school among the institutional sources of the university: "C'est de la réunion des écoles de logique établies sur la Montagne, avec l'école de théologie, qui était dans le cloître Notre-Dame, que s'est formée l'Université de Paris" (ibid., 7).

<sup>4</sup> "Die Theologie kam immer stärker in Abnahme, so dass das Kloster schon längere Zeit vor 1237 nicht einmal mehr einen Magister der Theologie besass, der den Brüdern vortragen hätte, und diese sich deshalb an Gregor IX. mit der Bitte wandten, ihnen einen solchen zu erlauben" (Heinrich Denifle, *Die Entstehung der Universitäten des Mittelalters bis 1400* [Berlin, 1885; rpt. Graz, 1956], 673). Denifle includes most of *Animarum lucra querentes* in n. 65.

<sup>5</sup> "De scholis S. Victoris quaestio est inanis, cum post mortem celebrium magistrorum hujus monasterii saeculo XII, illud magistris caruerit, ita ut anno 1237 Gregorius IX abbati et monasterio expresse magistrum theologum concesserit (*Vid.* n° 111)" (*CUP* 1:xv).

<sup>6</sup> Hastings Rashdall, *The Universities of Europe in the Middle Ages*, 2d ed. by F. M. Powicke and A. B. Emden, 3 vols. (Oxford, 1936), 1:276–77. Rashdall cites *Animarum lucra querentes* at 277 n. 1.

<sup>7</sup> Some claim that Hugh of St. Victor († 1141) was the last master to lecture to externs in the Victorine cloister because the final piece of explicit evidence of secular students at the Victorine school, a letter by non-Victorine cleric Laurence to a friend describing the lectures of Master Hugh, was composed during Hugh's tenure. The letter is edited by Bernhard Bischoff, "Aus der Schule Hugos von St. Victor," in *Geisteswelt des Mittelalters: Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern gewidmet*, ed. Albert Lang, Joseph Lechner and Michael Schmaus, Beiträge, Supplementband 3.1 (Münster i. W., 1935), 1:246–50; rpt. in vol. 2 of *Mittelalterliche Studien* (Stuttgart, 1967), 182–87 at 186–87. Others point to the continued intellectual activity of Hugh's

causes of the Victorine decline.<sup>8</sup> According to what has become the traditional view, "After Godfrey [i.e., after 1195], it was as preachers and confessors, not as scholars or teachers, that the Victorines continued to make their presence felt in Paris."<sup>9</sup>

disciples Richard († 1173) and Andrew († 1175), and to the order's continuing attraction to non-Victorine clerics, and conclude that public instruction continued into the 1170s at least. Jean Longère takes this second position in "La fonction pastorale de Saint-Victor à la fin du XII<sup>e</sup> siècle et au début du XIII<sup>e</sup> siècle," in *L'abbaye parisienne de Saint-Victor au moyen âge*, ed. Jean Longère (Paris, 1991), 291–93. An extended treatment of this debate, including bibliography, is available in Marcia L. Colish, *Peter Lombard*, 2 vols. (New York, 1994), 1:17–20. Jean de Thoulouze († 1659) interpreted a sentence in the preface of Godfrey of St. Victor's *Microcosmus* as indication that Godfrey stopped lecturing to non-Victorine students sometime before his death in the mid-1190s; if he did, the ultimate *terminus ad quem* of public instruction at the abbey would be the final decade of the twelfth century (Jean de Thoulouze, *Antiquitatum regalis abbatiæ Sancti Victoris Parisiensis libri duodecim* [*Antiquitates*], Paris, Bibliothèque Nationale lat. 14677, fols. 242v–243r). Philippe Delhayé explicated and assessed Thoulouze's interpretation in *Le Microcosmus de Godefroy de Saint-Victor. Étude théologique* (Lille-Gembloux, 1951), 38–42.

<sup>8</sup> An educational obscurantism supposedly arose among the Victorines as early as the 1160s. The mysticism of Richard of St. Victor, and even his *Liber exceptionum*, are seen as indications of a move away from the "intellectual vitality" of the Victorine school under Hugh (Stephen C. Ferruolo, *The Origins of the University: The Schools of Paris and their Critics, 1100–1215* [Stanford, 1985], 40). Sermons of Victorine preachers at the turn of the twelfth century are said to reveal a "narrow traditionalism" (Jean Châtillon, "De Guillaume de Champeaux à Thomas Gallus: Chronique d'histoire littéraire et doctrinale de l'École de Saint-Victor," *Revue du moyen âge latin* 8 [1952]: 264–65). But the chief witness to Victorine obscurantism is Walter of St. Victor's *Contra quatuor labyrinthos Franciæ* (composed 1177–78). See P. Glorieux, "Le *Contra quatuor labyrinthos Franciæ* de Gauthier de Saint-Victor" *Archives d'histoire doctrinale et littéraire du moyen âge* [AHDLM] 19 (1952): 187–335; idem, "Mauvaise action et mauvais travail: Le *Contra quatuor labyrinthos Franciæ*," *Recherches de théologie ancienne et médiévale* 21 (1954): 179–93. According to Ferruolo, Walter († 1190) "seems to have used his position as prior to disband permanently whatever remained of the school at St. Victor" (Ferruolo, *Origins*, 44). The scandalous abbacy of Ernis (1162–72) is generally believed to have combined with this obscurantism to hasten the decline of the Victorine school.

<sup>9</sup> Ferruolo, *Origins*, 44. Ferruolo's chapter entitled "The School of St. Victor" is the most complete of the recent reiterations of the decline of Victorine public instruction (ibid., 27–44). Earlier reiterations include Stephen d'Irsay, *Histoire des Universités françaises et étrangères*, 2 vols. (Paris, 1933–35), 1:60; and A. B. Cobban, *The Medieval Universities: Their Development and Organization* (London, 1975), 77. Jacques Verger followed suit in "A propos de la naissance de l'Université de Paris: Contexte social, enjeu politique, portée intellectuelle," in *Schulen und Studium im sozialen Wandel des hohen und späten Mittelalters*, Vorträge und Forschungen 30 (Sigmaringen, 1986), 84 n. 63. Recent historians no longer make explicit reference to *Animarum lucra querentes*, but their dependence upon Denifle's reading of the letter is clear. See, for example, Helmut G. Walther, "St. Victor und die Schulen in Paris vor der Entstehung der Universität," in *Schule und Schüler im Mittelalter: Beiträge zur europäischen Bildungsgeschichte des 9. bis 15. Jahrhunderts*, ed. Martin Kintzinger, Sönke Lorenz, and Michael Walter (Cologne, 1996), 69–74.

Fourier Bonnard, whose *Histoire de l'abbaye royale et de l'ordre des chanoines réguliers de Saint-Victor de Paris* appeared at the beginning of this century as the last in a long and distinguished line of Victorine chronicles, emphasized the importance of *Animarum lucra querentes* for Victorine-university relations.<sup>10</sup> The letter marks the inauguration of a new association between the two institutions, and as such it is another instance of the thirteenth-century process that culminated with the revitalization of the Victorine school under Abbot Johannes II de Palatiolo (1311–29).<sup>11</sup> Earlier in the *Histoire*, in a chapter entitled “L’abbaye royale et l’Université,” Bonnard asserted that it was because of their ministry as confessors of university students that the Victorines were granted permission to have a university master at their abbey.<sup>12</sup> Jean Châtillon interpreted *Animarum lucra querentes* in a similar way. The Victorine school continued to exist in the thirteenth century, but now through its integration with “that grand federation which was the University of Paris.”<sup>13</sup> Thus, while Bonnard and Châtillon did not admit a complete cessation of the

<sup>10</sup> Victorine historians before Bonnard, Jean Picard († 1615), Thoulouze, and Simon Gourdan († 1729), did not mention *Animarum lucra querentes*. Picard, *Chronicon Ecclesiae Victorinae*, Paris, B.N. lat. 14660; Thoulouze, *Annales abbatialis ecclesiae Sancti Victoris Parisiensis*, Paris, B.N. lat. 14368–14374 and 14679–14683; idem, *Antiquitates*, Paris, B.N. lat. 14677, 14678, and 14375–14376; and Gourdan, *Vies et maximes saintes des hommes illustres de S. Victor de Paris. Avec les éloges que leurs ont donnez les plus célèbres auteurs ecclésiastiques*, Paris, B.N. fr. 22937 and 24087.

<sup>11</sup> “Le troisième siècle de notre histoire s’ouvre avec Jean II de Palaiseau, le 20<sup>e</sup> abbé. Celui-ci paraît s’être donné pour mission d’élever le niveau intellectuel et de réorganiser les études à l’abbaye. . . . Mais nos Victorins tinrent à entrer plus intimement dans l’organisme même de l’Université. Ils en firent effectivement partie comme collège officiellement constitué, du jour où le Pape Grégoire IX, cédant à leurs instances, leur permit, en 1237, d’avoir à l’abbaye un maître en théologie. Cette mesure était urgente, car le Pape constate que depuis quelque temps on n’y donnait plus un enseignement régulier” (Fourier Bonnard, *Histoire de l’abbaye royale et de l’ordre des chanoines réguliers de Saint-Victor de Paris*, 2 vols. [Paris, 1904–8], 1:344–45).

<sup>12</sup> “Et c’est précisément en raison de leurs occupations de confesseurs des étudiants que le même Grégoire IX concède aux Victorins, en 1237, le droit d’avoir chez eux une école de théologie avec un maître attitré” (ibid. 1:199).

<sup>13</sup> “Elle [the Victorine school] ne disparut pas pour autant. Différents témoignages nous apprennent qu’elle fut considérée, dès le XIII<sup>e</sup> siècle et plus tard encore, comme faisant partie de cette grande fédération qu’était l’Université de Paris. Elle continuera à avoir ses maîtres et disposera aussi, semble-t-il, du droit de conférer les grades” (Jean Châtillon, “Les écoles de Chartres et de Saint-Victor,” in *La Scuola nell’occidente latino dell’alto medioevo*, Settimane di studio del Centro italiano di studi sull’alto medioevo 19 [Spoleto, 1972], 838). In a footnote Châtillon included *Animarum lucra querentes* among the different witnesses: “. . . en 1237, parmi les motifs invoqués pour justifier la présence d’un maître en théologie à Saint-Victor, le pape Grégoire IX fera de nouveau état de ce ministère et rappellera qu’un grand nombre d’étudiants parisiens viennent au monastère pour y recevoir le sacrement de pénitence . . .” (ibid., n. 122).

Victorine school at the end of the twelfth century, they followed the lead of university historians by considering *Animarum lucra querentes* as a witness to the relationship between the Victorines and the university.

Two historians have recently broken with their predecessors by considering *Animarum lucra querentes* within the context of Victorine pastoral ministry. Jean Longère included the letter among a dozen documents that trace the process by which the administration of penance to university students came to be a special ministry of the Victorines.<sup>14</sup> Dominique Poirel deemed *Animarum lucra querentes* clear indication of the Victorines' "nuanced attitude" toward the University of Paris in the period 1230–40. By that time, Poirel asserts, a pastoral orientation and activity had displaced the Victorines' earlier intellectual emphasis.<sup>15</sup> The analyses of *Animarum lucra querentes* by Longère and Poirel are limited because of the letter's peripheral relevance to their particular projects, but they constitute the necessary starting point for a more detailed consideration of the letter's witness to pastoral care.

#### SCOPE AND METHODS OF VICTORINE PASTORAL MINISTRY

The Victorine penitential ministry among university students was an established, active, and well-known part of Parisian life in the early thirteenth century. Penitential *summae* composed by Victorine canons in the first decades of the thirteenth century are among the earliest examples of the genre that survive. Robert of Flamborough († 1224) completed his *Liber poenitentialis* between 1208 and 1213.<sup>16</sup> Peter of Poitiers (of St. Victor—not to be confused with the theologian and chancellor of Paris of the same name) died about 1215 before completing his *Compilatio praesens*, a task undertaken and ultimately com-

<sup>14</sup> Longère, "La fonction pastorale de Saint-Victor," 302–5; *Animarum lucra querentes* is mentioned on p. 305. Longère included an abbreviated edition of *Animarum lucra querentes* among several documents pertaining to the Victorines' penitential ministry in the introduction to his edition of Pierre de Poitiers's penitential *summa*: Petrus Pictaviensis, <*Summa de confessione*> *Compilatio praesens*, ed. Jean Longère, CCCM. 51 (Paris, 1980), lxxv–lxxxvii.

<sup>15</sup> "Il semble toutefois que, suivent 'un courant plus large qui est celui des écoles parisiennes au même moment,' l'orientation et l'activité pastorales l'emportent peu à peu sur les tâches plus intellectuelles. . . . On ne saurait exprimer plus clairement l'attitude nuancée des Victorins face au monde universitaire parisien" (Dominique Poirel, "Dominicains et Victorins à Paris dans la première moitié du XIII<sup>e</sup> siècle," in *Lector et compiler Vincent de Beauvais, frère prêcheur: Un intellectuel et son milieu au XIII<sup>e</sup> siècle*, ed. Serge Lusignan, Monique Paulmier-Foucart, and Marie-Christine Duchenne [Grâne, 1997], 173). Poirel's explication of *Animarum lucra querentes* is confined to p. 173; his reference to the contemporary current in Parisian schools is a quotation from Longère, "La fonction pastorale de Saint-Victor," 293.

<sup>16</sup> Robert of Flamborough, *Liber poenitentialis: A Critical Edition with Introduction and Notes*, ed. J. J. Francis Firth, Studies and Texts 18 (Toronto, 1971).

pleted by Victorine schoolmaster Jacobus Romanus about 1220.<sup>17</sup> Two anonymous penitential *summae* were compiled at the abbey in the second decade of the thirteenth century.<sup>18</sup> These works testify to the importance of penitential praxis among the Victorines, but they do not shed much light on the particulars of the order's ministry to students. For more light, one can consult Robert Courçon's *Summa celestis philosophie* (1204–8), a letter of a student to a friend recommending St. Victor as a source of pastoral counsel (ca. 1220), and Caesar of Heisterbach's *Dialogus miraculorum* (completed in 1223). Most informative is the series of episcopal and papal decrees issued between 1208 and 1237 which officially recognized and shaped the Victorines' penitential ministry.

That ministry can best be understood as a strategic solution to a pastoral problem. The growing number of scholars who came to study at the university from outside the diocese of Paris forced the question of pastoral jurisdiction. Did scholars remain under the authority of their home priest while studying at Paris, or did they come under the jurisdiction of Parisian clerics? The second alternative was undoubtedly the case, and the increasing amount of attention given to academic issues in Victorine penitential *summae* and the papal/episcopal decrees from 1208 to 1237 indicate that the Victorines assumed a share of that special parochial jurisdiction. In 1208 Abbot Johannes Teutonicus was named along with the bishop of Paris as a prelate capable of lifting a sentence of excommunication incurred by a university master or student. During the decades that followed, the limits of the Victorines' special penitential jurisdiction over university students were further refined through episcopal and papal directives.<sup>19</sup> Student traffic to St. Victor increased after 1222 when Pope Honorius III ordered university arts masters to stop prohibiting their students from going to St. Victor for confession.<sup>20</sup> On 20 April 1231 Gregory conceded to the Victorine abbot and the prior of the Dominican convent at Paris the power to absolve masters and students who incurred censure for studying

<sup>17</sup> See n. 14 above. Longère's account of Jacobus Romanus's tenure as Victorine schoolmaster (1219–37) is in *Compilatio praesens*, xvii–xviii.

<sup>18</sup> John W. Baldwin identified the anonymous penitentials in Paris, B.N. lat. 14859 and 14899 (*Masters, Princes, and Merchants: The Social Views of Peter the Chanter and His Circle*, 2 vols. [Princeton, 1970], 1:34, 139–40).

<sup>19</sup> The directives are edited in Longère, *Compilatio praesens*, lxxv–lxxxvii. Analysis of them, and of the Victorine penitential ministry to university students in general, is available in Longère, "La fonction pastorale de Saint-Victor," 303–5; Baldwin, *Masters* 1:139–41; and Bonnard, *Histoire* 1:194–99.

<sup>20</sup> Honorius' prohibition is one of several admonitions included in a general letter to the university masters dated 31 May 1222 (*CUP* 1:103, no. 45). See Walther, "St. Victor und die Schulen in Paris," 73–74; and n. 44 below.

books by Aristotle that were prohibited in 1210 and 1215.<sup>21</sup> Then, in 1237, Gregory permitted the Victorines to have a university master at their abbey for the sake of university students seeking penance.

Because of this abundant and compelling testimony, interpreters of *Animarum lucra querentes* have consistently approached Gregory's letter as a witness to the Victorines' penitential ministry to university students. The letter is remembered first and foremost as it pertains to the order's pastoral responsibility for the academic community. The evidence listed above and the fact that *Animarum lucra querentes* sanctioned a university master would tend to justify this uniform approach, except that the students' need is one of half a dozen reasons included in the letter. If *Animarum lucra querentes* is approached without unduly privileging the students' need, the generally held but rather constricted conception of Victorine pastoral ministry can be considerably expanded.

Take, for instance, the issue of locale. The standard approach to *Animarum lucra querentes* has constricted our conception of the place of Victorine pastoral care. Historians have uniformly assumed that the students mentioned in Gregory's letter went to the Parisian mother abbey for penance.<sup>22</sup> This assumption limits the possibilities inherent in the letter, for the administration of penance to students need not have been confined to the Parisian abbey. The reference to Victorine brothers ministering in parish churches suggests by its mere presence that students also went to canon-priests in the parish churches for penance.<sup>23</sup> John Baldwin observed that "designated parish priests" joined the bishop of Paris, the abbot of St. Victor, and the Victorine penitentiary in exercising pastoral jurisdiction over scholars.<sup>24</sup> *Animarum lucra querentes* appears to identify Baldwin's "designated parish priests" as Victorine brothers who served in the parish churches.

<sup>21</sup> CUP 1:143, no. 86.

<sup>22</sup> Summarizing *Animarum lucra querentes*, Denifle wrote "Gregorius IX permittit Radulpho abbati et conventui monasterii S. Victoris, ad quod pro recipienda poenitentia scholares studentes Parisius recurrerant, habere magistrum theologum" (CUP 1:159, no. 111). Châtillon also read *Animarum lucra querentes* this way, as indicated by the passage cited in n. 13 above.

<sup>23</sup> Auvray's summary of his edition of *Animarum lucra querentes* did not confine the Victorine penitentiaries to the Parisian abbey: "Abbati et conventui monasterii Sancti Victoris Parisiensis, ad quorum fratres pro recipienda poenitentia scholares studentes Parisius recurrerant, concedit ut in praefato monasterio magistrum theologum habeant" (Auvray, *Les registres de Grégoire IX* 2:542, no. 3463). Poirel allows for the alternative possibility as well: "Ensuite, il est clairement question du rôle important des Victorins dans l'activité pastorale: ils prêchent dans les paroisses liées à Saint-Victor, exercent une juridiction pénitentielle sur les étudiants, fournissent des conseillers spirituels à d'autres personnes, sans doute des religieux" (Poirel, "Dominicains et Victorins à Paris," 173).

<sup>24</sup> Baldwin, *Masters* 1:140.

We should not limit our conception of the personnel of Victorine pastoral care to the Victorine penitentiary any more than we limit our conception of the place of that care to the Parisian abbey. In fact, there is less justification for doing so, because the Victorine penitentiary is not even mentioned in *Animarum lucra querentes*. As indicated above, Gregory's letter explicitly concerns Victorine brothers in the parish churches. Who were these Victorine brothers? The phrase *in parochialibus ecclesiis* appears at first glance to designate Victorine canons serving in actual parish churches, and such a state of affairs would certainly have been possible in the 1230s. Parish churches had long been affiliated with religious communities, and such affiliation brought with it the religious community's right and responsibility to provide priests for the churches. Such priests could be, and often were, secular clerics. They could also be members of the community with which the church was affiliated. Houses of regular canons were especially apt to present their own for pastoral service, given their status as clerics and their traditional commitment to pastoral care.<sup>25</sup> Renewed interest in the institutional topography of the Victorine Order in the twelfth and thirteenth centuries has confirmed the existence of numerous parish churches that were affiliated with the Victorine Order.<sup>26</sup> By

<sup>25</sup> See Michel Aubrun, *La paroisse en France des origines au XV<sup>e</sup> siècle* (Paris, 1986), 125–26; Joseph Avril, "Paroisses et dépendances monastiques au moyen âge," in *Sous la règle de Saint Benoît: Structures monastiques et sociétés en France du moyen âge à l'époque moderne*, Hautes études médiévales et modernes 47 (Geneva, 1982): 95–106; Adrien Friedmann, *Paris, ses rues, ses paroisses du moyen âge à la révolution. Origine et évolution des circonscriptions paroissiales* (Paris, 1959), 123–297; and Ursmer Berlière, "L'exercice du ministère paroissial par les moines du XII<sup>e</sup> au XVIII<sup>e</sup> siècle," *Revue bénédictine* 39 (1927): 340–64. On the distinctions between monastic and canonical pastoral care, see Châtillon, "La vie des communautés de chanoines réguliers de la fin du XI<sup>e</sup> siècle du début du XIII<sup>e</sup> siècle," in *Le mouvement canonial au moyen âge: Réforme de l'église, spiritualité et culture*, ed. Patrice Sicard (Paris, 1992): 81–84 (originally in *Ordo canonicus*, series altera, 2 [1982]: 7–30); Caroline Walker Bynum, "The Spirituality of Regular Canons in the Twelfth Century," chap. 1 of *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley, 1982): 22–36; eadem, *Docere Verbo et Exemplo: An Aspect of Twelfth-Century Spirituality* (Missoula, 1979), 2–4; and especially Joseph Avril, "Recherches sur la politique paroissiale des établissements monastiques et canoniaux (XI<sup>e</sup>–XIII<sup>e</sup> s.)," *Revue Mabillon* 59 (1976–80): 453–517.

<sup>26</sup> See Martin Schoebel, *Archiv und Besitz der Abtei St. Viktor in Paris* (Bonn, 1991); Dietrich Lohrmann, *Papsturkunden in Frankreich, Neue Folge. 8. Band: Diözese Paris I. Urkunden und Briefsammlungen der Abteien Sainte-Geneviève und Saint-Victor*, Abhandlungen der Akademie der Wissenschaften in Göttingen, Philologisch-historische Klasse, 3d ser., 174 (Göttingen, 1989); and Bernard Plongeron et al., *Le diocèse de Paris. Tome 1: Des origines à la Révolution*, Histoire des diocèses de France 20 (Paris, 1987), 105–31. Schoebel, Lohrmann, and Plongeron greatly supplement earlier treatments of affiliated Victorine churches by Auguste Longnon, *Pouillés de la province de Sens* (Paris, 1904); and Benjamin Guérard, *Cartulaire de l'église Notre-Dame de Paris*, 4 vols. (Paris, 1850).



1237 the diocese of Paris was divided into two urban *archiprêtres* and three rural archdeaconries; the latter were further subdivided into two deaneries each.<sup>27</sup> Victorine parish churches existed in the deaneries of the Parisian archdeaconries: Saint-Brice and a chapel at Piscop (both in the deanery of Gonesse), the church at Vigneux and a chapel in Montgiron (both in the deanery of Moissy), and a chapel in Courcouronnes (deanery of Linas).<sup>28</sup>

Parish churches affiliated with the Parisian abbey of Sainte-Geneviève could also be mentioned here, for the chapter of secular canons at Sainte-Geneviève was reformed by the imposition of a Victorine regime in 1147–48, and the abbey was included among the Victorine affiliates throughout the thirteenth century.<sup>29</sup> In a letter dated 25 August 1148, Abbot Suger of Saint-Denis outlined the temporal settlement of the 1147–48 reform: the ancient canons of Sainte-Geneviève would retain possession of their prebends, but oversight of the abbey's lands, goods and affiliated churches would henceforth belong to the Victorines.<sup>30</sup> This arrangement led to conflict between the two abbeys, but that conflict, and Sainte-Geneviève's own proud tradition as an educational center, would not have prevented Gregory from including "Génovéfains" in his broad reference to Victorine brothers. By 1237 there were no longer any churches within urban Paris that were affiliated with the abbey of Sainte-Geneviève.<sup>31</sup>

<sup>27</sup> I follow Plongeron et al., *Le diocèse de Paris*, 110–23, on the diocesan topography of Paris.

<sup>28</sup> Schoebel, *Archiv und Besitz*, 165, 175–82, 203, 244, 207; Lohrmann, *Papsturkunden in Frankreich*, 171–78, 225, 343–44, 377–78; Guérard, *Cartulaire de l'église Notre-Dame* 1:14, 18; Longnon, *Pouillés de la province de Sens*, 352, 355, 358; and Bonnard, *Histoire* 1:186–87. These churches are referred to as *parochiales ecclesiae* in contemporary cartularies and parish lists (*pouillés*).

<sup>29</sup> René Giard, "Étude sur l'histoire de l'abbaye de Sainte-Geneviève de Paris jusqu'à la fin du XIII<sup>e</sup> siècle," in *Mémoires de la Société de l'histoire de Paris et de l'Île-de-France* 30 (1903): 55–58; and Pierre Féret, *L'abbaye de Sainte-Geneviève et la congrégation de France précédées de la vie de la patronne de Paris*, 2 vols. (Paris, 1883). Also see Bonnard, *Histoire* 1:160–71.

<sup>30</sup> "... Est et aliud quod paternitati vestrae volumus capitulum innotescere, ut, sicut primum mandastis, salvis eorum tantum praebendis, praepositurae et terrarum custodia canonicis regularibus remaneant . . ." (Robert de Lasteyrie, *Cartulaire général de Paris. Tome Premier, 528–1180* [Paris, 1887], 312–14, no. 348 [quot. on 314]). Féret translated the critical phrase "bénéfices, domaines et biens" (*L'abbaye de Sainte-Geneviève*, 106); Bonnard translated it "l'administration de la mense commune et des terres" (*Histoire* 1:162). Giard showed that *praepositurae* was "très probablement" a reference to priories, because Saint Guillaume of Sainte-Geneviève was called a *prévôt* of a priory ("Étude sur l'histoire de l'abbaye de Sainte-Geneviève," 57 n. 4).

<sup>31</sup> Sainte-Geneviève la Petite, a parish church situated on the Île de la Cité, and Saint-Jean-du-Mont, a chapel within the great church of the abbey of Sainte-Geneviève, ceased to be affiliated with the abbey after 1222 (Friedmann, *Paris, ses rues, ses paroisses*, 101, 157, 193, 247, 250–51).

But the church in the village of Saint-Médard, in the burg of Saint-Marcel just south of the Mont Sainte-Geneviève, was part of Sainte-Geneviève's holdings.<sup>32</sup> So were several churches in the rural archdeaconries of Paris: Rosny-sous-Bois and Roissy (both in the deanery of Gonesse), Epinay-sur-Orge and Athis-sur-Orge (both in the deanery of Moissy), Nanterre and Vanves (both in the deanery of Châteaufort), and Jossigny (deanery of Linas).<sup>33</sup> A Génovéfain with the care of souls in one of these churches would have qualified, by extension, as an object of the educational concern expressed in *Animarum lucra querentes*.

Although the meaning of *in parrochialibus ecclesiis* seems straightforward, it is important to recall that the vocabulary used to designate churches affiliated with religious orders was not precise in 1237. Throughout the twelfth and thirteenth centuries, churches affiliated with religious orders were designated by terms such as *obedientia*, *cella*, *coenobium*, *monasteriolium*, *abbatiola*, *prioratus*, *domus*, *ecclesia*, or simply *locus*. It was only much later that some of these terms acquired specific meanings.<sup>34</sup> In a decree dated 28 July 1178, Pope Alexander III explicitly referred to Saint-Vincent in Combs-la-Ville (deanery of Moissy) as one of many Victorine "parish churches in which at least three canons followed the Victorine rule."<sup>35</sup> Alexander used *parrochiales ecclesiae* in this instance to refer to priories, for priories, unlike parish churches, were permanent residences of three or more Victorine canons where Victorine life was replicated at the local level.<sup>36</sup> Lucius III referred to Victorine priories as parish churches in 1182 and again in 1184; Odo, bishop of Paris, did the same in 1202.<sup>37</sup> Thus, when Gregory IX wrote of Victorine brothers in

<sup>32</sup> *Ibid.*, 86, 101.

<sup>33</sup> Longnon, *Pouillés*, 350, 355, 358; and Giard, "Étude sur l'histoire de l'abbaye de Sainte-Geneviève," 85, 94–95, 100–103, 107–8.

<sup>34</sup> Avril, "Paroisses et dépendances monastiques," 95–96.

<sup>35</sup> "... Hac itaque ratione inducti et uestris postulationibus benignius inclinati, auctoritate uobis apostolica indulgemus, ut in ecclesia uestra de Cons [Combs-la-Ville], sicut in parrochialibus aliis ecclesiis quas tenetis, in quibus tres ad minus fratres uestri ordinis ualeant sustentari, liceat uobis unum eorum presbiterum diocesano episcopo presentare, qui de manu eius curam recipiens animarum, illi de spiritualibus, uobis uero teneatur de temporalibus respondere" (Lohrmann, *Papsturkunden in Frankreich*, 344, no. 147).

<sup>36</sup> The number of canons residing at Victorine priories varied. Most supported at least six canons, though the smallest supported as few as two. See chapter 51 of the Victorine Rule, "De fratribus, qui ad oboedientias conversantur" (ed. L. Jocqué and L. Milis, *Liber Ordinis Sancti Victoris Parisiensis*, CCCM 61 [Turnhout, 1984], 217–19); and Bonnard, *Histoire* 1:61, 253, 294.

<sup>37</sup> Lucius's declaration of 16 February 1182 reiterated Alexander's earlier decree; the decree of 3 January 1184 confirmed the Parisian abbot's authority over communities of canons residing in the *parrochiales ecclesiae* (Lohrmann, *Papsturkunden in Frankreich*, 349–53, 358–59, nos. 154 and 159). Odo's privilege allowed the Victorine abbot the Right of Presen-

parish churches in *Animarum lucra querentes* he was using a general term whose referents included priories. Other Victorine priories besides Saint-Vincent existed in the Parisian archdeaconries in 1237. Victorine and Parisian cartularies speak of Saint-Marien in Bois-Saint-Père (in the deanery of Gonesse), Saint-Didier in Villiers-le-Bel (deanery of Gonesse), Saint-Denis in Athis (deanery of Linas), Saint-Nicolas in Vaujours (deanery of Montreuil), Saint-Guénaud in Corbeil (deanery of Moissy), Notre-Dame-de-la-Roche (deanery of Moissy), Notre-Dame in Heriveaux (deanery of Sarcelles), Saint-Paul-les-Aulnois (deanery of Châteaufort), and Notre-Dame in Livri (deanery of Kala [*sic*]).<sup>38</sup>

The decrees of Alexander, Lucius, and Odo confirmed the Victorines' right to present their own canons for episcopal ordination to priestly service in the affiliated churches, be they parish churches or priory churches. Through the Right of Presentation, the Victorines' traditional commitment to the *cura animarum* was translated into practical pastoral ministry.<sup>39</sup> But presentation of a Victorine priest to service in a parish or priory was not the only means by which Victorines exercised the care of souls. Some churches in the Victorines' holdings were included there simply because they were situated on property deeded to the Victorine Order, or because the Order held legal rights to a principle share of their incomes. The abbey of St. Victor functioned as the corporate "persona" of these churches, and as such it was required to provide pastoral care in them. Victorine leaders at the Parisian abbey fulfilled this obligation in two ways. Sometimes they sent Victorine priests from the Parisian abbey to serve in the churches. They would have done so during busy times of the ecclesiastical year such as Lent and Easter. In other instances they deployed secular priests to fulfill the obligation. Gobert, priest at Saint-Brice in the early thirteenth century, and David, priest at Vigneux at the same time, were secular

tation in the priories "inconsulto Parisiensi episcopo." It also listed the Victorine priories by name: "Notum facimus, quod cum abbas Sancti Victoris in hiis parrochialibus ecclesiis quas habet in dyocesi Parisiensi videlicet in ecclesiis de Athis, de Villari Bello, de Valle Jost et Sancti Pauli nobis canonicum regularem ad curam animarum presentare teneatur . . ." (Paris, Archives nationales, LL1450A, fol. 27v, transcribed in Schoebel, *Archiv und Besitz*, 250 n. 92).

<sup>38</sup> Schoebel, *Archiv und Besitz*, 85–227, at the appropriate entries; Lohrmann, *Papst-urkunden in Frankreich*, 173–74, 176–78, 225, 354–55, nos. 17, 19, 53, and 155; and Bonnard, *Histoire* 1:187. All the priories listed here except Bois-Saint-Père are included in a *pouillé* drawn up for the diocese of Paris, ca. 1205 (Longnon, *Pouillés*, 351–53, 355, 358), and in the cartulary of Notre-Dame in Paris (Guérard, *Cartulaire*, 1:14–18). Also see Plonger et al., *Le diocèse de Paris*, 105–31.

<sup>39</sup> See Schoebel's general observations about the *Seelsorge* in Victorine parish churches and priories (*Archiv und Besitz*, 248–51, and esp. 248 n. 81).

clerics.<sup>40</sup> The presence of secular priests in Victorine churches has important implications that will be considered at length below; the point to be made here is that every Victorine church did not necessarily have a Victorine canon-priest resident at or serving in it.

*Animarum lucra querentes* makes it clear that the administration of penance did not constitute the sum total of Victorine pastoral care. Victorine brothers dispensed "the nourishment of the Word of God" in the affiliated churches, a dispensation that included such pastoral ministries as preaching and administering the sacraments of Holy Eucharist and Last Rites. Nearly one hundred Victorine sermons survive from the late twelfth and early thirteenth centuries, and although many of them are known to have been preached at the Parisian abbey, some were probably preached in the affiliates.<sup>41</sup> High Mass had long been celebrated at the very least on Sundays and major feast days in Victorine priories where four or more canons resided, and Innocent III's command that all the faithful should receive the Eucharist once a year at Easter increased the number of communicants attending Victorine churches after 1215.<sup>42</sup> As a result of the provincial council convoked at Paris late in 1215 to promulgate the reforms of the Fourth Lateran Council, Victorine abbot Johannes Teutonicus (1203–28) called a general assembly of the abbots and priors of all the Victorine affiliates to reiterate and elaborate upon the Victorine liturgical and pastoral customary.<sup>43</sup> Honorius's order of 1222 confirms that Victorine canon-priests also administered last rites.<sup>44</sup> Administration of funeral rites for victims of student violence would have followed quite naturally from the Victorines' penitential ministry to students involved in such acts of violence. Several students were killed in Parisian "town and gown" altercations in the early 1200s,

<sup>40</sup> Schoebel, *Archiv und Besitz*, 177, 203, 244.

<sup>41</sup> Victorine sermons have received their share of scholarly attention. See Longère, "La fonction pastorale de Saint-Victor," 294–300; idem, *La prédication médiévale* (Paris, 1983), 63–68, 143–44; and Châtillon, "Sermons et prédicateurs victorins de la seconde moitié du XII<sup>e</sup> siècle," *AHDLMA* 32 (1965): 7–60. Châtillon identifies and catalogues the authors and venues of many of the Victorine sermons; analysis of the anonymous sermons may yet reveal evidence of delivery in an affiliated church.

<sup>42</sup> "In illis oboedientiis, in quibus plus quam quatuor commorantur, horas canonicas statutis horis diligentius cantent, et missam maiorem, si non possunt cotidie, dominicis saltem diebus et festis, quae a populo feriantur, post terciam celebrent" (*Liber Ordinis* 51, ed. Jocqué and Milis, 219); see Bonnard, *Histoire* 1:295. On the renewed interest in lay reception of and clerical instruction regarding the Eucharist, see Miri Rubin, *Corpus Christi: The Eucharist in Late Medieval Culture* (Cambridge, 1991), 83–163.

<sup>43</sup> Paris, B.N. lat. 14455, fols. 172 and 176v; Bonnard, *Histoire* 1:292–96.

<sup>44</sup> "... nec prohibeant magistri scholaribus, ne accedant apud Sanctum Victorem ad confessionem vel exequias mortuorum. . . ." (*CUP* 1:103, no. 45).

and the extension of the Victorines' ministry might well date from that time.<sup>45</sup> Honorius's order refers to the Parisian abbey, though student funerals could have been held in the larger affiliates as well. Funerals of non-students were certainly held in them.

Funerals of non-students raise a final point: students were not the only recipients of Victorine pastoral care. Victorine brothers also ministered to "others" who approached them "with the permission of their own spiritual superiors." The details of this particular ministry remain elusive, although the terms used to describe it offer some insight. "Spiritual superiors" (*prelati*) is a broad term that was used to describe all sorts of ecclesiastical authorities, from popes to parish priests. The "others" who received permission from their prelates could therefore have included secular or regular priests, non-ordained religious, or laypersons. Secular priests might have visited Victorines seeking counsel for their own pastoral ministries. The Victorines' established reputation as canons with penitential jurisdiction over university students would have attracted them. One also thinks of the recently established mendicant orders.<sup>46</sup> There are good reasons to believe that Dominican brothers sought counsel from the Victorines. As noted above, the Victorines and Dominicans shared a domain of penitential jurisdiction within the Parisian academic community in the 1230s. Gregory chose the orders because their leaders had high profiles in the academic community, but his choice was also motivated by the fact that the orders shared a basic approach to pastoral ministry. St. Dominic, it will be recalled, began as a regular canon in the chapter of Osma cathedral, and he based the rule of his new Order of Preachers on the Premonstratensians' interpretation of the Rule of St. Augustine. The adoption of mendicacy as a regime of material support distinguished the Dominicans from other orders of regular canons such as the Victorines who exercised poverty in communal living while retaining ownership of churches and properties. But the Victorines' expertise in the practice and praxis of pastoral care probably motivated friars to consult them for counsel in their shared ministry.

In the late 1230s the place, personnel, content, and recipients of Victorine *cura animarum* was extensive. The administration of the sacrament of penance to university students was only one part of a multifaceted pastoral ministry. Penitentiaries at the Victorine abbey would certainly have benefited from instruction by a theology master in their cloister, but Gregory's permission was not only or even primarily for them. It was granted for the sake of Victorine canon-priests who engaged in the *cura animarum* widely construed.

<sup>45</sup> See Rashdall's account of the altercations in *Universities of Europe* 1:294–98.

<sup>46</sup> Poirel raised the possibility, see n. 23 above.

## UNIVERSITY INSTRUCTION FOR VICTORINE PRIESTS

The theology master sanctioned by *Animarum lucra querentes* was expected to instruct Victorine canon-priests in the Sacred Page (*divina pagina*), a term that denoted a wide range of pastoral instruction when used to describe lectures by a university master in the 1230s.<sup>47</sup> If hard evidence from slightly later is an accurate measure, and there is no reason to believe it is not, then university instruction in the Sacred Page in 1237 centered on but was not limited to the Bible. Masters teaching in the theology faculty offered lectures on moral theology, and their formal and quodlibetal disputations would have had pastoral application as well.<sup>48</sup> That Gregory and the Victorines considered lectures on the Sacred Page by a university master a desirable source of pastoral instruction is significant, though it is not altogether surprising. Their belief is consistent with the ancient expectation that schools associated with cathedrals should educate diocesan priests. As numerous councils had done in preceding centuries, the Third and Fourth Lateran Councils ordered the education of priests who preached and heard confession.<sup>49</sup>

<sup>47</sup> See William J. Courtenay, "Programs of Study and Genres of Scholastic Theological Production in the Fourteenth Century," in *Manuels, programmes de cours et techniques d'enseignement dans les universités médiévales. Actes du Colloque international de Louvain-la-Neuve (9–11 septembre 1993)*, ed. Jacqueline Hamesse (Louvain-la-Neuve, 1994), 339; P. Glorieux, "L'enseignement au moyen âge: Techniques et méthodes en usage à la Faculté de Théologie de Paris, au XIII<sup>e</sup> siècle," *AHDLM* 35 (1968): 110; and Jacques Verger, "L'exégèse, parente pauvre de la théologie scholastique?" in *Manuels*, ed. Hamesse, 45.

<sup>48</sup> See Joseph Goering's warning against construing the sense of *divina pagina* too narrowly in *William de Montibus (c. 1140–1213): The Schools and the Literature of Pastoral Care*, Studies and Texts 108 (Toronto, 1992), 37; and Franco Morenzoni's treatment of the definition of theology as understood at the beginning of the thirteenth century in *Des écoles aux paroisses: Thomas de Chobham et la promotion de la prédication au début du XIII<sup>e</sup> siècle* (Paris, 1995), 71–88, esp. 71–73. Aquinas's quodlibetal disputations of 1264–72 considered pastoral issues; see Leonard E. Boyle, "The Quodlibets of St. Thomas and Pastoral Care," *The Thomist* 38 (1974): 232–56 (reprinted in his *Pastoral Care, Clerical Education and Canon Law, 1200–1400* [London, 1981]).

<sup>49</sup> See canon 18 of Lateran III, and canons 11, 21, and 27 of Lateran IV (Norman P. Tanner, *Decrees of the Ecumenical Councils*, 2 vols. [London, 1990], 1:220, 240, 245, 248). Also see Raymonde Foreville, *Latran I, II, III et Latran IV, Histoire des conciles œcuméniques 6* (Paris, 1965); idem, *Le III<sup>e</sup> concile du Latran (1179): Sa place dans l'histoire* (Paris, 1982); and Nicole Bériou, "Autour de Latran IV (1215): La naissance de la confession modern et sa diffusion," in *Pratiques de la confession: Des pères du désert à Vatican II. Quinze études d'histoire* (Paris, 1983), 73–93. The impulse toward improved pastoral care by means of improved pastoral education was mediated at the local level through episcopal synods. For English synods in the period, see Marion Gibbs and Jane Lang, *Bishops and Reform, 1215–1272* (Oxford, 1934); and C. R. Cheney, *English Synodalia of the Thirteenth Century*, 2d ed. (Oxford, 1968). For France, see Odette Pontal, *Les statuts synodaux français du XIII<sup>e</sup> siècle, tome 1: Les statuts de Paris et le Synodal de l'Ouest* (Paris, 1971); and Joseph Avril, *Le gou-*

The belief behind *Animarum lucra querentes* also reflects a conviction that was growing in several quarters at the turn of the twelfth century, namely, that priests should be *better* educated. A number of Parisian masters and prelates whom Stephen Ferruolo has called the Moralists preached against the abominations of an illiterate clergy.<sup>50</sup> The growing number of manuals of pastoral care that appeared during the thirteenth century are another witness to the growing demand for a better educated clergy.<sup>51</sup> In the midst of this demand, the authority of the University of Paris as an interpreter of Christian doctrine was also growing. Masters in the Parisian schools enjoyed an international reputation for theological learning in the twelfth century, and the theology faculty of the University of Paris built on that inherited reputation to become Christendom's unrivaled body of experts on things theological. Already in 1210 members of the theology faculty helped adjudicate the first documented instance of academic censure, and a bit later the masters joined Guillaume, bishop of Paris, and Odo, the Parisian chancellor, in declaring a list of ten articles "contrary to theological truth."<sup>52</sup> In 1237 the Victorines appreciated the theology faculty's potential as a resource for providing clerical education. By that time the educational obscurantism of Walter of St. Victor and his generation was a thing of the past; a new generation of Victorine canons who were positively predisposed toward the university was now in charge of the order. Victorine master Robert of Flamborough was a member of the adjudicating commission in the Amalrician affair, and Abbot Johannes Teutonicus, Abbot Radulphus (1234–46), and Prior Johannes Rhetoricus (1237–54) were themselves no strangers to the university and its affairs.<sup>53</sup> As for Gregory, although

*vernement des évêques et la vie religieuse dans le diocèse d'Angers (1148–1240)*, 2 vols. (Lille, 1984).

<sup>50</sup> Ferruolo's Moralists preached from the mid-twelfth century (Peter Lombard) to the mid-thirteenth century (Jacques de Vitry), and they "defined the essential role of education not, like the humanists, to be that of preparing men to live good lives but to train them for the pastoral duties of the priesthood and prelacy" (Ferruolo, *Origins*, 218).

<sup>51</sup> The classic treatment of English pastoral manuals is W. A. Pantin's *The English Church in the Fourteenth Century* (Cambridge, 1955; rpt. Buffalo, 1980, as Medieval Academy Reprints for Teaching 5), 189–243. Also see Goering, *William de Montibus*, and n. 65 below.

<sup>52</sup> For the theology faculty's involvement in the proceedings against Amalric and his followers, see J. M. M. H. Thijssen, "Master Amalric and the Amalricians: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris," *Speculum* 71 (1996): 54–56. The list of theological errors, issued on 13 January 1241, begins, "Isti sunt articuli reprobati contra theologiam veritatem et reprobati a cancellario Parisiensi Odone et magistris theologie Parisius regentibus . . ." (*CUP* 1:170, no. 128).

<sup>53</sup> In addition to involvement in the Amalrician affair just mentioned, Johannes Teutonicus was also involved in a conflict over the residence of the chancellor of the university. Sometime between 1208 and 1216 he was a witness along with the Parisian bishop to the authenticity of an earlier document (*CUP* 1:82, no. 23; the earlier document is *CUP* 1:65–66,

the often repeated claim that he studied theology at Paris before becoming pope is open to question, there can be no doubt that he was a leader in the push for improved clerical education, and he had every reason to support and foster the Victorines' plan to expose their canon-priests to a university theologian.<sup>54</sup>

What is particularly noteworthy about Gregory's and the Victorines' shared commitment to improved clerical education is its timing. Gregory's letter constitutes one of the earliest explicit articulations of the idea that the University of Paris could be appropriated as a source of pastoral training. The University of Paris's growth out of the cathedral school at Notre-Dame suggests that pastoral training was central to the university's mission from the very beginning. It is often claimed that Peter the Chanter's († 1197) vision of academic instruction in the service of preaching and practical ethics was prominent at the university in its early days.<sup>55</sup> But hard evidence of practicing priests receiving pastoral training from the university's theology faculty during those early days is not available. Nicole Bériou has confirmed the presence and importance of the Chanter's vision at Paris in the second half of the thirteenth century. Her analysis of *reportationes* of sermons produced by and for secular clerics at the university in the early 1270s reveals a strong practical and pastoral element in university education.<sup>56</sup> But for the first three decades of the thirteenth century it

no. 6). According to Bonnard, "L'abbé Raoul, en qualité de maître en théologie, prenait une part active à une célèbre controverse qui avait lieu en 1235 au chapitre des Frères Prêcheurs, sur un sujet tout d'actualité: Est-il permis à un clerc de posséder simultanément plusieurs bénéfices? Avec Guillaume d'Auvergne et la majorité des docteurs, l'abbé Raoul opina pour la non-licéité d'un pareil cumul" (Bonnard, *Histoire* 1:344). In 1238 Prior Johannes Rhetoricus mediated a dispute between the university masters and the cathedral chapter over an alleged papal indulgence (*CUP* 1:166, no. 21).

<sup>54</sup> The belief that Cardinal Hugolino studied theology at Paris before being elected Pope Gregory IX derives from an anonymous *vita* upon which Dominican authors Bernardo Gui († 1331) and Nicola Roselli (named Cardinal of San Sisto, 1356) relied for their accounts of Gregory's pontificate. Gregory described himself as "aliquando disciplinis scholasticis insudantes" (*CUP* 1:160, no. 113). See Paul R. Thibault, "Gregory IX, Pope," in *Dictionary of the Middle Ages* (New York, 1982–89), 5:671; *Biographisch-Bibliographisches Kirchenlexicon*, ed. Friedrich Wilhelm Bautz (Hamm, 1976), s.v. "Gregor IX"; G. Mollat, "Gregory IX, Pope," in *New Catholic Encyclopedia* (New York, 1967), 6:775–77; Salvatore Sibilio, *Gregorio IX* (Milan, 1961), 34; and Joseph Felten, *Papst Gregor IX* (Freiburg, 1886), 7–8. Beryl Smalley ("Gregory IX and the Two Faces of the Soul," *Mediaeval and Renaissance Studies* 2 [1950]: 181) articulated the critical view: "There seems to be no ground for the legend that he studied at Paris; probably it was at a smaller school in Italy."

<sup>55</sup> See, for example, Colin Morris, "Christian Civilization (1050–1400)," in *The Oxford Illustrated History of Christianity*, ed. John McManners (Oxford, 1990), 227–28; and idem, *The Papal Monarchy: The Western Church from 1050 to 1250* (New York, 1989), 512–13.

<sup>56</sup> "Dans le milieu scolaire, elle [the *reportationes*] devint l'une des techniques efficaces de l'apprentissage, pour les étudiants qui se préparaient à prêcher. Témoin parmi d'autres la diffusion des pratiques de l'écrit aux XIII<sup>e</sup> siècle, la reportation révèle en même temps la



appears that the distinction between *clerici scholastici* who attended the schools and *clerici ecclesiastici* who served in parish churches—a distinction that Peter the Chanter himself recognized—continued to prevail.<sup>57</sup>

For hard evidence of pastoral training at the University of Paris in the early period we must turn to the religious orders. Thirteen religious orders formally incorporated with the University of Paris between 1229 and 1349. Each order did so by successfully advancing one of its members into an official position on the university's theology faculty. The Dominicans, Franciscans, Trinitaires, Premonstratensians, Cistercians, the regular canons of Val-des-Écoliers, and the Cluniacs secured positions by 1259.<sup>58</sup> The clerical status of members of all these orders except the Cistercians and the Cluniacs implies that they entered the university in order to appropriate its resources for pastoral training. The Dominicans were the first to incorporate with the university, so it is not surprising that most of our early evidence of pastoral training at the University of Paris is Dominican. In August of 1217, having been divinely compelled to preach the Word of God throughout the world, Dominic dispatched seven of his original sixteen followers to study, preach and create a priory at Paris.<sup>59</sup> The

diffusion de préoccupations nouvelles, typiquement pastorales, dans les écoles de théologie, selon les orientations récemment définies par l'enseignement de Pierre le Chantre" (Nicole Bériou, "La prédication effective à Paris au XIII<sup>e</sup> siècle. Tomes I-II, et Index," Thèse de doctorat d'État, Université de Paris-Sorbonne [Paris IV], Institut d'Histoire [June, 1996], 1:224).

<sup>57</sup> See Baldwin, *Masters* 2:51 n. 57; also see Goering's extended analysis of "The Audience for Pastoralia: Students in the Schools," in *William de Montibus*, 59–67.

<sup>58</sup> Reuven Avi-Yonah did not include the Trinitaires and Premonstratensians in his list of orders that established "chairs and foundations" at Paris in the thirteenth century ("Career Trends of Parisian Masters of Theology, 1200–1320," *History of Universities* 6 [1986–87]: 56). But both orders did own houses in Paris before 1252: the Trinitaires secured one by 1229 (*CUP* 1:118–19, no. 63), and the Premonstratensians did so by 1252 (*CUP* 1:238–40, no. 214; Bernard Ardura, *Abbayes, prieurés et monastères de l'ordre de Prémontré en France des origines à nos jours* [Nancy, 1993], 410–12). Both orders were included in *Excelsi dextera paradisum*, the secular masters' letter of complaint about the religious orders acquiring too many theology chairs. *Excelsi dextera paradisum*, issued in 1254, is in *CUP* 1:253–58, no. 230; also see Rashdall, *Universities of Europe* 1:374 n. 2. On the establishment of the Parisian houses of the Trinitaires and Premonstratensians, see P. Féret, *La faculté de théologie de Paris et ses docteurs les plus célèbres*, 4 vols. (Paris, 1894–97), 1:169–81, 2:29–36; and Rashdall, *Universities of Europe* 1:536. Further analysis of the incorporation of religious orders into the University of Paris before 1349 is available in Crossnoe, "Animarum lucra querentes," 91–98.

<sup>59</sup> In his deposition at the canonization hearings of St. Dominic, Juan de España testified that Dominic sent his brothers to Paris "... ut studerent et predicarent et conventum ibi facerent..." (*Acta canonizationis s. Dominici* 26, ed. A. Walz, in *Monumenta Historica S.P.N. Dominici*, fasc. 2, *Monumenta Ordinis Fratrum Praedicatorum Historica* 16 [Rome, 1935], 143–44). See M. Michèle Mulchahey, "First the Bow is Bent in Study..." *Dominican Education before 1350*, Studies and Texts 132 (Toronto, 1998), 24–28, 362–64; William A.

brothers took papal bulls of recommendation with them to Paris, one of which was probably *Olim in partibus Tolosanis*. In that bull Honorius exhorted masters and students at the University of Paris to come to the aid of Dominic's followers who were preaching against heresy in Toulouse.<sup>60</sup> By 1221 the brothers in Paris were receiving instruction from a university master. On 4 May of that year Honorius sought to secure a prebend for the secular master John of St. Albans, "in Paris teaching Dominican brothers in the theology faculty at our mandate."<sup>61</sup> Roland of Cremona, already a Dominican friar, entered the Parisian theology faculty by 1229.<sup>62</sup> During the 1220s the Preachers were also busy creating an order-wide educational program that would culminate in a handful of *studia generalia* where advanced theological instruction was offered by Dominican masters to promising students sent to the *studia* from the order's regional and local houses of study.<sup>63</sup> Saint-Jacques, the Dominican priory at Paris, is identified as one of the order's *studia generalia* in the constitutions of the Dominican general chapter of 1228.<sup>64</sup> Hugh of St. Cher, the Dominican theology master who succeeded Roland of Cremona and taught at Saint-Jacques from 1230 to 1236, is famous for directing the corporate compilation of biblical *correctoria* concordances at Saint-Jacques, and for his own *Postillae in totam Bibliam*. But Hugh's works are only the best known of a host of

Hinnebusch, *The History of the Dominican Order*, 2 vols. (Staten Island, 1966 and 1973), 1:48–52; and André Duval, "L'étude dans la législation religieuse de saint Dominique," in *Mélanges offerts à M.-D. Chenu, maître in théologie* (Paris, 1967), 244–45.

<sup>60</sup> Mulchahey, "First the Bow," 25–27.

<sup>61</sup> "Dilecto filio . . . decano Sancti Quintini nobis innotuit referente, quod cum de mandato nostro Parisius doceat fratres de ordine Predicatorum in theologica facultate . . ." (*CUP* 1:101, no. 44). See Mulchahey's analysis of this letter in "First the Bow," 362–33, and in "The Dominican *studium* System and the Universities of Europe in the Thirteenth Century: A Relationship Redefined," in *Manuels*, ed. Hamesse, 291 n. 36.

<sup>62</sup> Mulchahey, "First the Bow," 364, and "Dominican *studium* System," 290–92; and P. Mandonnet, "De l'incorporation des Dominicains dans l'ancienne Université de Paris, 1229–1231," *Revue Thomiste* 4 (1896): 146–47.

<sup>63</sup> The *studia generalia* were located in convents in university towns such as Montpellier, Bologna, and Oxford. After a period of instruction in them the Dominican brothers would return to the regional and local schools to teach the rank-and-file members of the order. See Mulchahey, "First the Bow," 251–84, and "Dominican *studium* System," 288–90; Maura O'Carroll, "The Educational Organisation of the Dominicans in England and Wales, 1221–1348: A Multidisciplinary Approach," *Archivum Fratrum Praedicatorum* 50 (1980): 23–62; and Hinnebusch, *History of the Dominican Order* 2:19–98.

<sup>64</sup> "Tres fratres tantum mittantur ad studium Parisius de provincia" (*Constitutiones Antiquae Ordinis Fratrum Predicatorum*, Dist. II, cap. 28, ed. A. H. Thomas in *De oudste constituties van de Dominicanen: Voorgescheiden, tekst, bronnen, ontstaan en ontwikkeling [1215–1237]*, Bibliothèque de la Revue d'histoire ecclésiastique 42 [Louvain, 1965], 362); see Mulchahey, "First the Bow," 45–46, and "Dominican *studium* System," 289 n. 31.

materials that provided Dominican students with practical tools for preaching and hearing confession.<sup>65</sup>

All of this early evidence taken together suggests that the Dominicans intended to take advantage of the University of Paris as a means of helping friars accomplish their pastoral mission. As for the precise nature of the Dominicans' intention, some have argued that formal integration with the university was not a part of Honorius's or Dominic's original plan. In his letter of 1221 Honorius did not articulate his reasons for establishing and seeking to maintain John of St. Albans as the Dominican's instructor. He did state that John was teaching at his mandate (*de mandato nostro*), but that is as close as we come to an explicit indication that he intended the Dominicans to incorporate formally with the university. Evidence of Dominic's motives is only slightly clearer. Juan de España's testimony that Dominic sent his brothers to Paris to preach and to study strongly suggests a view toward full incorporation, and we know that Dominic was behind *Olim in partibus Tolosanis*.<sup>66</sup> But explicit admission that Dominic intended his followers to formerly integrate with the university has not been discovered.<sup>67</sup>

Whether or not he intended for one of the brothers he sent to Paris to become a theology master there, Roland of Cremona did so by 1229. What matters here is that the early Dominican material provides the proper context in which to view *Animarum lucra querentes*. Gregory's letter to the Victorines records his support of their belief that university instruction was a means to improved pastoral care. Just as his predecessor Honorius had done for the Dominicans, Gregory sanctioned the instruction of a university theology master for an order of regular canons. Honorius's reference to a mandate might mean that he issued a decree prior to 1221 that resembled *Animarum lucra querentes*. Perhaps it authorized John of St. Albans by name as a secular theology master who was to teach at the Dominican priory. But no such mandate has survived, and in its absence Gregory's letter of 1237 remains the earliest extant articulation of the idea that university instruction could aid in pastoral care.

#### "DELIGHTING IN THE HONOR OF REGULAR ORDER"

Gregory was explicit regarding his reason for cooperating with the Victorines' request for a university master. In the opening line of *Animarum lucra*

<sup>65</sup> Part Three of Mulchahey's *"First the Bow,"* entitled "The Texts of Dominican Education" (397–552), offers a recent and thorough assessment of Dominican pastoral aids.

<sup>66</sup> Mulchahey, *"First the Bow,"* 21–22.

<sup>67</sup> See Mulchahey's summary of the debate over the Dominicans' intentions with regard to formal incorporation in *"First the Bow,"* 364, and "Dominican *studium* System," 292–94.

*querentes* he declared his wish to be considered a cooperator with them in pastoral ministry. He sought the benefit of souls and he delighted in the honor of regular order.<sup>68</sup> The prominent contours of Gregory's desire to benefit souls have been described. He intended to further the salvation of the faithful by exposing Victorine canon-priests to theological instruction by a university master. It remains to consider the letter's witness to the second dimension of Gregory's pastoral concern.

By "delight in the honor of regular order" Gregory meant his commitment to the goals of monastic reform, a commitment that he shared with his papal predecessors and followers. Innocent III's "shrewd intelligence and inspired pragmatism" in authorizing the designs of Francis of Assisi is perhaps the best known example of what was in fact an ongoing papal involvement in monastic reform.<sup>69</sup> Beginning in earnest in the eleventh century, and continuing well into the thirteenth, the papacy supported, protected, and reformed an increasing number of religious orders.<sup>70</sup> None of Innocent III's successors was more committed to channeling the forces of reform to the betterment of the Church at large than Gregory IX. His actions on behalf of his friends Dominic, Francis, and Claire, and his support of the Cistercians, the Camaldolese, and the followers of Joachim of Fiore are typically urged as proof of his delight in the honor of regular order.<sup>71</sup> But Gregory's involvement in the reform of religious

<sup>68</sup> "Animarum lucra querentes et regularis diligentes ordinis honestatem libenter hiis cooperatoria providemus maxime requisiti, ut et nos ipsi cooperatores sicut pastorale officium exigit existimamus" (see n. 1 above).

<sup>69</sup> C. H. Lawrence, *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages*, 2d ed. (New York, 1989), 243.

<sup>70</sup> For a summary of the major developments in monastic reform between 1050 and 1250, see "The Quest for the Primitive," chap. 8 of Lawrence, *Medieval Monasticism*, 149–73. The papacy's role in the reform is surveyed in "The Papacy, the Religious Orders and the Episcopate," chap. 6 of I. S. Robinson, *The Papacy 1072–1198: Continuity and Innovation* (Cambridge, 1990), 209–43. Also see Augustin Fliche, Christine Thouzellier, and Yvonne Azais, *La chrétienté romaine (1198–1274)*, *Histoire de l'Église depuis les origines jusqu'à nos jours* 10 (Paris, 1950), 27, 174–93, 262–63, 500–501.

<sup>71</sup> Standard treatments of Gregory's involvement in monastic reform are available in Mollat, "Gregory IX," and *Biographisch-Bibliographisches Kirchenlexicon*, s.v. "Gregor IX." Biographies of Gregory give more detailed analysis, but they tend to focus on the Dominicans and Franciscans. See Sibilis, *Gregorio IX*, 71–98; Ernst Brem, *Papst Gregor IX. bis zum Beginn seines Pontifikats. Ein biographischer Versuch*, *Heidelberger Abhandlungen* 32 (Heidelberg, 1911), 70–107; and Felten, *Papst Gregor IX*, 120–31, 305–18. Histories of the orders highlight Gregory's support and protection: John Moorman, *A History of the Franciscan Order from Its Origins to the Year 1517* (Oxford, 1968), 84–86, 89–91; Hinnebusch, *History of the Dominican Order*, 1:59, 65, 107–9; Pl. F. Lefèvre, *Les statuts de Prémontré réformés sur les ordres de Grégoire IX et d'Innocent IV au XIII<sup>e</sup> siècle* (Louvain, 1946); Philibert Schmitz, *Histoire de l'Ordre de Saint-Benoît*, 2d ed., 7 vols. (Liege, 1948–56),

orders extended further than the standard litany suggests. During the 1230s, in actions that anticipated Benedict XII's extensive monastic reforms a century later, Gregory issued statutes that reformed Benedictine and Premonstratensian observance.<sup>72</sup> Though he did not issue similar reform statutes for the Victorines, Gregory accomplished reforms of their order through other means.

Gregory ordered the institution of standard observance in all the Victorine affiliates on 9 April 1231. He harshly reprimanded the Victorine leaders for allowing canons in the affiliated "obediences" to observe rules regarding diet and dress that were different from those observed at the Parisian abbey.<sup>73</sup> On the same day he issued a privilege granting the leaders of the Parisian abbey the right to deny hospitality to strangers.<sup>74</sup> Noël Valois considered the hospitality privilege Gregory's attempt console the Victorine leaders after the harsh demands of the reform decree.<sup>75</sup> Such a desire for fair treatment could certainly have motivated the hospitality privilege, but papal privileges granted to religious orders had long been linked to disciplinary reform. From the pontificate of Honorius II in the late 1120s well into Innocent IV's pontificate in the 1250s, papal privileges of free election, protection of goods and holdings, and exemption from episcopal jurisdiction were granted to religious orders on the expressed condition that members of the orders either maintain or return to faithful observance of their rule.<sup>76</sup> The Victorines themselves received privi-

3:25–27, 41, 54–60, 118, 142, 148; and Louis J. Lekai, *The Cistercians: Ideals and Reality* (Kent, Ohio, 1977), 59, 60, 64.

<sup>72</sup> See Gregory's reforms of the Premonstratensian's statutes, issued 1232–34, in Lefèvre, *Les statuts de Prémontré réformés sur les ordres de Grégoire IX*. On the Benedictine reforms, see Auvray's "Note préliminaire" to and editions of the "Statuta ordinis nigri, 1235 et 1237," in Auvray, *Les registres de Grégoire IX* 2:317–32, nos. 3045 and 3045bis. Gregory sent letters to the provincial chapters of Benedictine houses in the provinces of Reims and Rouen directing them to submit to investigations and recommendations of visitors duly ordained in conjunction with the "Statuta." The letter to Reims is dated 22 December 1236; the letter to Rouen, 13 January 1237 (A. Potthast, *Regesta Pontificum Romanorum*, 2 vols. [Berlin, 1874–75], 1:872–73, nos. 10278 and 10287). On the "Benedictine Constitutions" of 1339–55, see *Bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio*, ed. C. Cocquelines, 14 vols. (Rome, 1733–62), 3.2: 264–86; and CUP 2:480–81, no. 1019.

<sup>73</sup> "Quia nimis absurdum esset et indecens, si in unius ordinis professoribus in modo vivendi diversitas haberetur, . . . districtius inhibemus ne fratres ipsius ordinis in obedientiis constituti aliis victualibus seu indumentis utantur quam quibus in abbatibus propriis, si presentes existerent, uterentur . . ." (Thoulouze, *Annales*, Paris, B.N. lat. 14370, fol. 340r; see the commentary and text in Noël Valois, *Guillaume d'Auvergne, évêque de Paris [1228–1249]: Sa vie et ses ouvrages* [Paris, 1880], 93–95, 347–48 [quot. on 347]).

<sup>74</sup> Paris, B.N. lat. 14672, fol. 67r, Valois, *Guillaume d'Auvergne*, 94 n. 2.

<sup>75</sup> According to Valois, Gregory issued this permission as if he " . . . avait voulu consoler les Victorins du blâme qu'il était forcé de leur infliger . . ." (ibid.).

<sup>76</sup> See J. Dubois, "Les ordres religieux au XII<sup>e</sup> siècle selon la curie romaine," *Revue bénédictine* 78 (1968): 283–309.

leges linked to their observance from Eugene III, Adrien IV, Alexander III, Urban III, and Clement III.<sup>77</sup> Gregory IX took similar action with the Premonstratensians. On 3 September 1227 he instructed all abbots and canons of the order to submit to the Rule of St. Augustine as interpreted by Saint Norbert, so that in all their houses there might be “similar singing and uniform observance.”<sup>78</sup> The two Victorine decrees of 9 April 1231 should therefore be viewed as an integral expression of standard papal procedure for reforming religious orders by mandating uniform observance. So should *Animarum lucra querentes*. Permission to have a university master was a papal privilege intended to reestablish instruction in Holy Doctrine at the abbey. Such instruction had been central to Victorine life at the Parisian abbey from the beginning. The order’s early statutes permitted it, and as a result of the renowned tenures of Hugh, Richard, and Andrew it became customary. But, as Gregory put it, the instruction had recently been interrupted.<sup>79</sup> *Animarum lucra querentes* was granted to reform that interruption.

In addition to issuing statutes and mandating uniform observance, Gregory also worked to centralize the administration of religious orders. His administrative reforms typically took the form of subjection of an order’s affiliates to the authority of the mother house. On 28 January 1234 Gregory issued two decrees subjecting the Camaldolese affiliates to the abbot of Camaldoli, and on 7 May 1236 he commanded the Premonstratensian “father abbot” to oversee the appointment of confessors in the daughter houses of the order.<sup>80</sup> Gregory used the same reform strategy with the Victorines. Late in 1230 the leaders of the Parisian abbey of St. Victor sought papal exemption from mandatory appearance in lawsuits brought in other dioceses. The leaders argued that required appearances were unjust because the legal competence of judges in outlying dioceses was bound to be inferior to that of Parisian judges. Gregory granted the exemption on 27 February 1231.<sup>81</sup> Subsequent decrees indicate that

<sup>77</sup> Ibid., 303.

<sup>78</sup> “. . . ut illa secundum s. Augustini regulam et s. Norberti dispositionem in candido habitu cum similibus cantu et observantiis uniformiter teneantur” (Potthast, *Regesta* 1:693, no. 8026).

<sup>79</sup> “. . . cum statuta ordinis vestri permittant, ac predicti monasterii consuetudo licet aliquandiu extiterit intermissa requirat, ut sacre lectionis doctrine in claustris vacetis” (see n. 1 above). The interruption is considered at greater length below, pp. 168–69.

<sup>80</sup> Gregory confirmed the Camaldolese prior’s subjection of all monasteries of the order to the office of visitation, and he ordered the abbots and priors “immediately subject to the mother house” to help alleviate the order’s debt (Potthast, *Regesta* 1:802, nos. 9381 and 9382). For Gregory’s better-known activity on behalf of the Camaldoli, see A. des Mazis, “Camaldules (Ordre des),” in *Dictionnaire d’histoire et de géographie ecclésiastiques* (Paris, 1912–), 11:512–36. Gregory’s command to the Premonstratensian affiliates further stipulates that a confessor might be assigned by licensed visitors (Potthast, *Regesta* 1:863, no. 10160).

<sup>81</sup> CUP 1:136, no. 78.

leaders of the Victorine affiliates instigated the suits in the other dioceses. On 2 July 1233 Gregory responded to complaints of the abbot of St. Victor and commanded abbots and priors in several of the Victorine affiliates to send representatives to the order's yearly general chapter meetings. He further commanded his legates to relax any excommunications, suspensions, or interdicts promulgated to date in the case between the mother house and its daughters.<sup>82</sup> Although it appears that leaders of the Victorine affiliates met at the turn of the twelfth century to conduct the order's business, efforts to establish regular meetings and to regulate agendas and attendance at the meetings intensified after Innocent III commanded all religious orders to have regular assemblies in 1215.<sup>83</sup> The conflict was still unresolved in 1237. A letter of 22 January 1237 indicates that the obstinate abbots and priors had apparently begun attending the general chapters, but now they were opposing the abbot of the Parisian abbey's rights of jurisdiction at those meetings. In the legal proceedings of the dispute, the procurators for the affiliated houses had been wrongfully excommunicated, so Gregory lifted their sentences.<sup>84</sup> Four days later, Gregory issued *Animarum lucra querentes*.

It is possible, following Valois once again, that *Animarum lucra querentes* was a concession to the Victorine leadership at the Parisian abbey intended to counterbalance favor shown to the obstinate abbots and priors four days earlier. But it is also true that installation of a university theology master at the Parisian abbey would centralize the order's pastoral education. The temporal proximity of *Animarum lucra querentes* with the administrative decrees all but confirms that permission to have a university master at the Parisian abbey was a part of Gregory's strategy of reform through centralization. A master at the Parisian abbey would render it the rough equivalent of the Dominican *studium generale*, a place where Victorine brothers from the order's affiliates could go

<sup>82</sup> Auvray, *Les registres de Grégoire IX* 1:805–6, no. 1443. The obstinate daughter houses were Sainte-Geneviève, Notre-Dame de Livry, Notre-Dame d'Herivaux, Notre-Dame-de-la-Roche, Saint-Ambroise, Saint-Satyr, Saint-Jean du Jard, Notre-Dame de Julli, Notre-Dame d'Eaucourt, Saint-Euverte, Saint-Vincent, Notre-Dame-de-la-Victoire, Saint-Barthélemi, Notre-Dame d'Eu, Notre-Dame de Cantimpré, Saint-André, and Saint-Nicholas de Prato.

<sup>83</sup> Bonnard assembled evidence of Victorine general chapters under abbot Ernīs and in the period 1199–1202 (*Histoire* 1:180–84). Canon 12 of Lateran IV mandated general chapters of monastic orders in every diocese once every three years; see Tanner, *Decrees of the Ecumenical Councils* 1:240. Sometime between 1216 and his death in 1227, Pope Honorius III ordered the abbots and priors of all Victorine affiliates to meet together in general chapter (Potthast, *Regesta* 1:673, no. 7815).

<sup>84</sup> Auvray, *Les registres de Grégoire IX* 2:538–39, no. 3456. Many of the houses mentioned in 1233 were still involved in 1237. The abbots and priors of Sainte-Geneviève, Saint-Vincent, Saint-Satyr, Saint-Ambroise, Saint-Euverte, Saint-Jean du Jard, Saint-Barthelemy, Notre-Dame d'Eaucourt, and Notre-Dame de Julli are named in this case.

to receive university instruction. Gregory's letter envisions a university theologian at the Victorine mother abbey instructing canon-priests who served in the order's daughter houses—such are the essential outlines of the Dominican program in which, as we have seen, Saint-Jacques was already functioning as a *studium generale*. The Victorines followed the Dominican model and created just such a centralized educational program at the end of the thirteenth century. Two sets of Victorine educational statutes, one issued ca. 1270 and the other in 1312, reveal the outlines of an educational program in which four Victorine canons who were supported by contributions from the order's affiliated churches resided at the Parisian abbey and pursued degrees in the university.<sup>85</sup> Abbot Theobaldus (1264–75), author of the earlier set of statutes, acknowledged an acquaintance with the educational programs of other orders, as well as an intention that the Victorines emulate those programs. He suggested that Victorine students meet weekly to discuss theological questions “just as scholars in the other religious orders customarily do.”<sup>86</sup> Likewise, he ordered that, “as is the custom in the other religious orders,” an individual be designated “master of students” to oversee the financial support of the Victorine scholars.<sup>87</sup> Theobaldus was certainly thinking of the Dominicans in this last instance, for they had a “master of students” functioning in their educational program at the same time.<sup>88</sup> As in the case of the educational intentions of

<sup>85</sup> Abbot Theobaldus's statutes are transcribed in Thoulouze, *Annales*, Paris, B.N. lat. 14372, fols. 2r–4r, and idem, *Antiquitates*, Paris, B.N. lat. 14375, pp. 654–57. Denifle included two of the six statutes in his note to *CUP* 2:154, no. 694; Denifle's source was Thoulouze, *Antiquitates*, Paris, B.N. lat. 14677, fol. 243r–v. The statutes are also considered in Patrice Sicard, *Diagrammes médiévaux et exégèse visuelle: Le “Libellus de formatione arche” de Hugues de Saint-Victor* (Paris, 1993), 261; and A. G. Little and F. Pelster, *Oxford Theology and Theologians c. A.D. 1282–1302*, Oxford Historical Society 96 (Oxford, 1934), 54–56. For extended treatment of Theobaldus's statutes, and those of 1312, see Crossnoe, “*Animarum lucra querentes*,” 66–72.

<sup>86</sup> “Omni autem tempore ad minus semel in septimana die veneris, vel alia die quam commodius fieri poterit, ad conferendum vel ad disputandum super certa quaestione volumus convenire, sicut in aliis religionibus scolares habentibus est fieri consuetum, quam tamen quaestionem unus illorum cui magister studentium injunxerit exponet et sustinebit” (Thoulouze, *Antiquitates*, Paris, B.N. lat. 14375, p. 657).

<sup>87</sup> “Item pro aliis minutis rebus sex solid. parisiens. et omnia solus recipiet et dispensabit unus illorum quem ad hoc deputaverimus qui magister studentium vocabitur sicut in aliis religionibus est fieri consuetum; si autem ultra de dicta pecunia aliquid remanserit de mandato et ordinatione nostra faciet de illa dictus dispensator quod utilitati eorum magis viderit expedire” (ibid.).

<sup>88</sup> The Dominican “master of students” is mentioned in the proceedings of the general chapter at Monte Pessulano in 1265: “Item. Magister studencium in qualibet septimana fratres advocet. maxime iuniores. et eos examinet super lectionibus et questionibus. quas per epdomadam audierunt” (*Acta Capitulum Generalium Ordinis Praedicatorum*, vol. 1: *Ab anno*



Honorius III and St. Dominic, it is not certain that Pope Gregory and the Victorine leaders intended *Animarum lucra querentes* as the first step toward the creation of a Victorine educational program. But again, as in the case of the Dominicans, the evidence strongly suggests such an intention.

This effort to centralize Victorine pastoral education was behind Gregory's reference to Victorine canons "for whom it was not safe to travel through towns and villages." The argument from travel safety seems to be as follows: (1) Victorine canons needed but were not receiving university instruction; (2) it was dangerous for them to go outside the abbey to get it; therefore (3) installation of a university master in their abbey was justified. The physical safety of canons traveling to the schools was certainly not at issue here. For one thing, by 1237 the streets of Paris were among the best policed in all of Europe. More importantly, the Victorines shared with religious of all kinds a general belief that movement beyond the cloister invited worldly contamination. The phrase "through towns and villages" confirms that such contamination was the concern, for it has a formulaic ring to it, and it was certainly not intended as a literal description of the walk from the Victorine abbey to lectures and disputations on the Left Bank. But the Victorines were regular canons, an order whose ordained members were active in the world providing pastoral care in priories and parish churches. Is there a contradiction here between the Victorines' ministry in the world and this appeal to cloistered seclusion? Not at all, for by putting forward the argument from travel safety the Victorine leaders were expressing concern that their students might be exposed to unorthodox teaching in the schools. Positively predisposed to the university as they were, the leaders were not taking any chances. They clearly understood that having their canons taught on site would afford them far greater supervision over the content and effect of the teaching.<sup>89</sup>

Pope Gregory's reforms of religious orders, like those of his predecessors and followers, strengthened the papacy's control over the growth, politics, and theology of the orders. The statutes he imposed directly on the Premonstratensian and Benedictine orders were obvious extensions of such control, but so were the privileges granted on condition of uniform observance and his centralization of authority "at the top" of other orders. The extension of papal control over the Victorines was doubtless a goal of Gregory's Victorine reforms, but *Animarum lucra querentes* serves as a clear reminder that the moti-

1220 usque ad annum 1303, ed. Benedictus Maria Reichert, in *Monumenta Ordinis Fratrum Praedicatorum Historica* 3 [Rome, 1898], 129).

<sup>89</sup> I am grateful to Jeffery Majersky for his insight on this point. Professor Majersky recalls his superiors in the Missionary Order of Our Lady of LaSalette having an identical concern for himself and his confreres in the Novitiate during the late 1960s.

vation behind those reforms cannot be wholly reduced to that mundane goal.<sup>90</sup> Gregory's concern for the honor of Victorine order grew out of his desire to be considered a coworker with them in pastoral ministry. The promotion of uniform observance of the Victorine rule was a pastoral concern, for such observance was by definition the Victorine canon's means to salvation. And strong central authority within the Victorine order was an indirect means of establishing that efficacious uniform observance throughout the order. At the same time, to centralize the education of Victorine brothers in the parish churches was to improve their education, and such improvement would expedite the salvation of not only the Victorines' souls but also the souls of others. One can claim that Gregory's reforms of the Victorines were all about power, but only at the expense of denying much that is pastoral in *Animarum lucra querentes*.

#### RECONSIDERING THE VICTORINES' ROLE IN THE ORIGIN OF THE UNIVERSITY OF PARIS

As indicated above, historians of the University of Paris have focused on *Animarum lucra querentes*' relevance to the Victorines' role in the origin of the university. That focus is understandable, for Gregory's letter is an important witness for establishing whether or not there was a school at the Victorine abbey out of which the university could have developed. But the letter also raises and answers other questions about the early development of the University of Paris, questions that we have only recently been able to ask because of advances in our understanding of university method and procedure in the thirteenth century.<sup>91</sup>

*Animarum lucra querentes* confirms the presence of a two-track course in the theology faculty of the University of Paris in the 1230s. In order to appreciate this confirmation fully, it is necessary to recall that inception was the formal process by which bachelors entered the corporation of university masters, and that every bachelor who incepted was required by custom (and later by university statute) to remain in Paris as an active member of the faculty at

<sup>90</sup> I. S. Robinson admitted that the "papacy's purpose in conferring the protection of St. Peter and 'Roman liberty' was first and foremost to achieve reform of the *religious* life [emphasis added]," but the primary concern of his analysis of the papacy's role in monastic reforms was tracking the course of the establishment of papal primacy (Robinson, *Papacy 1072-1198*, 235).

<sup>91</sup> Glorieux's benchmark study "L'enseignement" has been confirmed, extended and at points corrected in the three decades since it first appeared. See, for example, the articles in *Manuels*, ed. Hamesse, and those in *Universities in the Middle Ages*, ed. Hilde de Ridder-Symoen (Cambridge, 1992).

least one academic year.<sup>92</sup> The active master, or regent as he was called, had “(1) the right to ascend to a magisterial chair (*cathedra magistralis*) and conduct a school, (2) the right to promote candidates for licensing and inception, and (3) the right to sit in congregation with other regent masters and to vote on issues that came before the nation, faculty, or university.”<sup>93</sup> To preclude an unwieldy proliferation of active theology masters, the number of magisterial chairs in the theology faculty at Paris was officially limited. Required regency and the limited number of theology chairs combined with the nonacademic vocational opportunities open to theology masters to instigate the creation of a two-track course. Most newly incepted theology masters did their obligatory stint as regent and then moved on to positions in the growing ecclesiastical or governmental bureaucracies. A smaller number of them took the other track and remained as regent masters teaching in the faculty’s chairs.

The two-track course is attested at the University of Paris in the late thirteenth century, but exactly when it first came into use is not clear.<sup>94</sup> The difficulty in pinpointing the origin of the dual course results from the fact that the language used to designate it took several decades to become specific. The crucial term is *magister*, and at the turn of the twelfth century that term was used in educational contexts in at least three different ways.<sup>95</sup> For centuries the term had been used to designate an individual whose function in a given community was to provide instruction. *Magister* continued to be used in this ancient and traditional way throughout the medieval period. Beginning about 1135, however, and increasing thereafter, the term came to designate the professional status of certain individuals. The teachers in the twelfth-century schools were referred to as *magistri* in this new sense. They gained their status by receiving the *licentia docendi*; most were secular clerics, not formally linked with any religious community; and many of them did not teach. Finally, a third more

<sup>92</sup> The connection between inception and regency was conventional, but not absolute: “Graces on occasion might be obtained to reduce or bypass residence requirements before and/or after inception. But the instances of ‘wax doctors’ should not blind us to the fact that they were exceptions and that by statute and practice it was expected that most masters would complete their required regency in the traditional and proper manner” (William J. Courtenay, *Teaching Careers at the University of Paris in the Thirteenth and Fourteenth Centuries*, Texts and Studies in the History of Mediaeval Education 18 [Notre Dame, 1988], 15).

<sup>93</sup> *Ibid.*, 13.

<sup>94</sup> Courtenay signaled the presence of “two tracks: simple inception and active regency,” and discussed its importance for regency patterns at Paris in the fourteenth century (*ibid.*, 29).

<sup>95</sup> On the use of the term *magister*, see R. W. Southern, “The Schools of Paris and the School of Chartres,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable with Carol D. Lanham (Cambridge, Mass., 1982; rpt. Toronto, 1991), 134–35. Also see Olga Weijers, *Terminologie des Universités au XIII<sup>e</sup> siècle* (Rome, 1987), 133–34.

specialized use of the term began to displace the second use at the beginning of the thirteenth century. The term *magister* continued to be a title indicating professional status, but it now began to designate someone who had completed a specific program of study in a recognized university.

During the first decades of the thirteenth century, several phrases incorporating this third meaning of *magister* were used to indicate individuals who formed what would become the faculties of the University of Paris. Documents that had long identified "the masters and students of Paris" began to further specify the former group, and to delineate variations within it. In 1208 Innocent III commanded the theology, arts and law masters at Paris to reinstate a master G. into the "community of masters."<sup>96</sup> About the same time, some writers began to identify university masters as "reading" in a given discipline. In August of 1215 Robert Courçon mandated the dress code for "masters reading in arts."<sup>97</sup> This modifier might have been used to distinguish masters who were currently teaching from individuals who had received the degree of master but were not currently teaching, although we cannot be certain. As it happens, the reference that holds the greatest potential for making this distinction involves the Victorines. In his *Dialogus miraculorum* Caesar of Heisterbach identified the abbot of St. Victor, master Robert, brother Thomas, the bishop of Paris, and "three masters reading theology" as the ecclesiastical authorities who took part in the proceedings against the Amalricians.<sup>98</sup> Master Robert—no doubt the Victorine penitential specialist Robert of Flamborough—is clearly distinguished from the other three masters. That Caesar of Heisterbach distinguished Robert from the three regent masters who were currently teaching theology indicates that Robert was either (1) a university master who had incepted, reigned, and then left the teaching faculty to compose penitential *summae*, or (2) a master in the traditional sense, one who taught in the Victorine community but did not necessarily hold a university degree.<sup>99</sup>

<sup>96</sup> "... Unde nobis humiliter supplicastis, ut eundem magistrum virum utique providum et honestum . . . ex beniginitate apostolica faceremus communioni restitui magistrorum" (CUP 1:67, no. 8).

<sup>97</sup> "Nullus magistrorum legentium in artibus habeat capam nisi rotundam, nigram et talarum, saltem dum nova est" (CUP 1:79, no. 20).

<sup>98</sup> "Et ut famam suam servaret illaesam, nunciavit haec omnia Abbati sancti Victoris, et magistro Roberto, et fratri Thomae, cum quibus adiit Episcopum Parisiensem, et tres magistros legentes de theologia . . ." (Caesarii Heisterbachensis monachi Dialogus Miraculorum 5.22, ed. Joseph Strange, 2 vols. [Cologne, 1851], 1:306; also see Thijssen, "Master Amalric and the Amalricians," 55–56).

<sup>99</sup> Robert is referred to as *magister* in other chronicles and in his penitential *summa*, but no independent evidence confirming that he obtained the university degree has been recovered. "It is not known where Robert of Flamborough attained his education" ("Prolegomena" to Firth's edition of Robert of Flamborough, *Liber poenitentialis*, 3). Although he included

Explicit references to "regent masters" begin to appear in the sources in the second decade of the thirteenth century. In a letter dated 10 March 1217, Honorius III identified Johannes de Abbatisvilla as a regent master in theology, and on 18 February 1218 he granted regent scholars at Paris who had the *licentia docendi* the right to ascend to the chair of that one who granted them the license.<sup>100</sup> In a letter issued in 1229, Master Jordanus wrote to the Dominican provincial in Lombardy and described Walterus Teutonicus as regent in logic.<sup>101</sup> To those who first read these references to regent masters it might have been clear that they were to be distinguished from masters who were not currently teaching. The references make that distinction for us only if the distinction is assumed beforehand.

Compare these references to reading and regent masters with *Animarum lucra querentes*, where Gregory sanctioned a theology master who would teach in the theology faculty.<sup>102</sup> Far from merely being redundant, Gregory has clearly specified the type of master to be installed at St. Victor. That master was to be one who was an active member of the theology faculty, as opposed to one who was not currently teaching. In the deposition already mentioned, Juan de España called John of St. Albans a "master . . . regent in theology at Paris."<sup>103</sup> This reference is similar to Gregory's, for it identifies John of St. Albans as a master and then specifies what kind of master he was. Gregory's reference to a type of master, issued three years after Juan de España's reference to a particular master of that type, confirms the existence of the two-track course.<sup>104</sup>

Robert in the circle of Peter the Chanter, John W. Baldwin did not include Robert in his prosopographical essay on Parisian masters at the turn of the twelfth century ("Masters at Paris from 1179 to 1215: A Social Perspective," in *Renaissance and Renewal*, ed. Benson et al., 138–72).

<sup>100</sup> "... magistrum Johannem de Abbatisvilla regentem in theologia Parisius . . ." (CUP 1:84, no. 26); "Oblata siquidem nobis ex parte vestra petitio reseravit, quod cum quidam vestrum regendi sollicitudinem assumpturi legendi licentiam ab eo ad quem ipsius collatio pertinere dinoscitur fuerint assecuti . . ." (CUP 1:87, no. 29).

<sup>101</sup> "Tum ecce subdito secundum manum Dei bonam nobiscum primus intravit magister Walterus Theutonicus, regens in logica, peritissimus artis sue, qui etiam inter majores magistros Parisius habebatur" (CUP 1:132, no. 73).

<sup>102</sup> "... magistrum theologum in prefato monasterio, qui in theologica doceat facultate . . ." (see n. 1 above).

<sup>103</sup> "Et dum ipse testis et socii studerent Parisius, data fuit ei et socii suis a magistro Joanne decano S. Quintini tunc regente in theologia Parisius . . ." (cited in Mulchahey, "Dominican *studium* System," 291–92 n. 38).

<sup>104</sup> The canonization hearings for Dominic were called by Gregory IX on 6 August 1233, and they continued until 3 July 1234 (Hinnebusch, *History of the Dominican Order* 2:19–98; Duval, "L'étude dans la législation," 245).

*Animarum lucra querentes* also raises some interesting questions and possibilities about the regulation of the number of theology chairs at the University of Paris in the early thirteenth century. Does Gregory's specification of an active regent master mean that his letter constitutes the creation a Victorine chair of theology? Palémon Glorieux did not confirm or deny it. In the introduction to his *Répertoire des maîtres en théologie de Paris au XIII<sup>e</sup> siècle*, in a passage where he was considering the number of theology chairs at Paris, all Glorieux could bring himself to say about the Victorines was that they "had the right to a resident master."<sup>105</sup> This is cautious language, and Glorieux probably used it because *Animarum lucra querentes* does not explicitly indicate the creation of a Victorine chair, and because the Victorines are absent from *Excelsi dextera paradisum*. In *Excelsi dextera paradisum*, the open letter issued by the secular masters at Paris in 1254, the secular masters voiced their fear that if the religious orders continued to acquire more and more of the limited numbers of theology chairs, they would soon have an unfair majority of those chairs.<sup>106</sup> The Victorines were a religious order, albeit an order of regular canons. But even their status as regular canons would not by itself have exempted them from the seculars' concern. The regular canons of Val-des-Écoliers were included among the orders listed in *Excelsi dextera paradisum*.

Glorieux's caution and the Victorines' absence from the seculars' letter do not prove that *Animarum lucra querentes* did not establish a Victorine chair of theology. The seculars of 1254 might well have considered a theology chair established at St. Victor in 1237 to be a secular chair, and therefore no threat to them. Secular regent masters were known to teach in religious houses, so a secular chair at St. Victor is not out of the question. Secular master Robert Grosseteste taught at the Franciscan convent at Oxford for years before he became bishop of Lincoln in 1235.<sup>107</sup> Secular master Arnould (Arnulphus) le Bescochier taught at St. Victor in the 1270s and 1280s.<sup>108</sup> Glorieux seems to

<sup>105</sup> "Le nombre [des chaires] est monté à douze en 1254: trois appartiennent de droit aux chanoines de Notre-Dame, trois autres étant alors passées aux réguliers, et six demeurent aux séculiers. Saint-Victor a droit, dès 1237, à un maître résident (bulle de Grégoire IX, du 25.1.1237). Le chiffre des chaires augmenta encore par la suite, mais on ne sait en quelles proportions" (P. Glorieux, *Répertoire des maîtres en théologie de Paris au XIII<sup>e</sup> siècle*, 2 vols. [Paris, 1933], 1:23).

<sup>106</sup> See n. 58 above.

<sup>107</sup> Grosseteste's tenure among the Franciscans began in 1230/31. See R. W. Southern, *Robert Grosseteste: The Growth of an English Mind in Medieval Europe* (Oxford, 1986), 74–75; and Francis Seymour Stevenson, *Robert Grosseteste, Bishop of Lincoln. A Contribution to the Religious, Political and Intellectual History of the Thirteenth Century* (London, 1899), 59–87.

<sup>108</sup> Master Arnould is remembered as *magister noster* in the Victorine necrology (Paris, B.N. lat. 14673, fol. 196r).

have believed that a secular chair was established at St. Victor at some point, for he included masters who taught at St. Victor in the section of the *Répertoire* dedicated to secular masters.<sup>109</sup> The creation of a secular teaching chair at St. Victor in 1237 would also be consistent with a pattern of papal involvement in the regulation of chairs at Paris. Innocent III officially limited the number of theology chairs to eight in 1207, probably out of a concern for orthodox teaching.<sup>110</sup> Honorius III's support of secular master Matheus de Scotia in 1218 signals the creation of a ninth chair.<sup>111</sup> *Animarum lucra querentes* could well constitute a third instance of papal intervention. If so, it would confirm an "expansionist" policy on the part of the papacy when it came to the number of theological chairs at Paris.<sup>112</sup>

*Animarum lucra querentes* does more than confirm the two-track course and raise questions about the creation of magisterial chairs. When read with its pastoral emphasis in mind, the letter challenges the prevailing view of the Victorines' role in the origin of the University of Paris. University historians have long assumed that the interruption mentioned in *Animarum lucra querentes* was an interruption in public instruction, and that it occurred at the end of the twelfth century. It is thought to have begun as early as the 1170s, and definitely by the 1190s. This early dating of the interruption is the means by which *Animarum lucra querentes* functions as proof that the Victorine school was not one of the original schools out of which the University of Paris was formed. Gregory's reference to the interruption certainly bears this interpretation, for the adverb *aliquandiu* is temporally indefinite, and no explicit evidence of a secular cleric attending lectures at the abbey in the period 1170–1237 has been discovered. Also, the scandal of Ernis's abbacy and the educational obscurantism of Walter's generation would hardly have created an atmosphere at the abbey that would attract outsiders to the Victorine school. It must be noted, however, that all this evidence is circumstantial, and to use it as a basis for claiming that public instruction ceased forever by 1195 is unwarranted.

<sup>109</sup> Glorieux inserted the notices of Arnould le Bescochier, Pierre de Limoges, and Gerard of St. Victor in the section of the *Répertoire* entitled "Les maîtres séculiers," and he placed them in a "secular column" in his synthetic table (vol. 1, between 228 and 229). Glorieux also included Gerard of St. Victor in a section entitled "maîtres séculiers" in his "A propos de «Vatic. lat. 1086»: Le personnel enseignant de Paris vers 1311–14," *Recherches de théologie ancienne et médiévale* 5 (1933): 27.

<sup>110</sup> CUP 1:65, no. 5. See Courtenay, *Teaching Careers*, 27.

<sup>111</sup> CUP 1:85, no. 27. See Mandonnet, "De l'incorporation des Dominicains," 168: "Le 16 novembre 1218, Honorius III établit une nouvelle chaire en faveur d'un maître séculier, Mathieu d'Ecosse, ce qui porte le total des chaires à neuf et le nombre de celles occupées par les séculiers à six."

<sup>112</sup> On the question of whether or not the papacy actively sought to limit the number of theological regents and chairs at Paris, see Courtenay, *Teaching Careers*, 26–28.

To make such a claim ignores the presence of Thomas Gallus at the Victorine abbey. Thomas resided there during the first decades of the thirteenth century, and he left some time in late 1218 or early 1219 to become prior of the Victorine affiliate of St. Andrew of Verceil in Italy.<sup>113</sup> There is no reason to doubt that Thomas taught in the Parisian theology faculty while he was at St. Victor.<sup>114</sup> On the contrary, there is reason to believe that he did just that. In his list of individuals who adjudicated the Amalrician affair in 1210, Caesar of Heisterbach included a "brother Thomas" along with the Victorine abbot and Master Robert of Flamborough.<sup>115</sup> This Thomas was certainly the Victorine canon Thomas Gallus, and in 1210 he had evidently begun but not yet completed his magisterial training. Otherwise why was he listed with Victorines, why was he involved in a heresy case in the Parisian theology faculty, and why was he referred to as brother and not master? Caesar's reference indicates that Thomas became a university master sometime between 1210 and 1218, a fact from which it takes no great stretch to deduce that he gave lectures at the Victorine abbey during that time. The complex regimen of baccalaureate and magisterial lectures that came to define the university program of study might not have been fully formalized by 1210, but even at that early date advancement toward the degree of master would have entailed provision of instruction by students.

The presence of Thomas Gallus at the Victorine abbey strongly suggests that the interruption mentioned in *Animarum lucra querentes* occurred in the thirteenth century. It most likely occurred when Master Thomas left for Italy in 1218/19.<sup>116</sup> Prior to that time Thomas probably offered instruction at the abbey as part of his university training. If he did so, then there was an individual teaching at the Victorine abbey who was a part of the cadre of masters who formed the University of Paris. If that were indeed the case, then a necessary condition for claiming that St. Victor housed one of the schools out of which the University of Paris developed has been met.

<sup>113</sup> On Thomas Gallus, see Glorieux, *Répertoire* 1:277–78; Gabriel Théry, "Thomas Gallus: Aperçu biographique," *AHDLMA* 12 (1939): 141–208; Châtillon, "De Guillaume de Champeaux à Thomas Gallus," 268–72.

<sup>114</sup> Ferruolo perceived a silence in the documents regarding Thomas's tenure at St. Victor, and took it as a negative witness: "... there is no evidence that ... Thomas Gallus either taught or found intellectual disciples at St. Victor" (*Origins*, 44).

<sup>115</sup> See n. 96 above. Théry did not consider Caesar of Heisterbach's *Dialogus* in "Thomas Gallus: Aperçu biographique."

<sup>116</sup> Commenting on the interruption mentioned in *Animarum lucra querentes*, Poirel observed, "Dans le préambule de l'acte pontificale, on apprend que la chaire de *sacra lectio* est vacante depuis quelque temps, comme si on n'avait pu trouver un digne successeur de Thomas Gallus" ("Dominicains et Victorins à Paris," 172).



A final and related point has already been introduced. As indicated above, some parish churches entered into the Victorines' holdings as "simple benefices," and those transactions created situations in which non-Victorine clerics served in Victorine churches.<sup>117</sup> The church of Saint-Vincent was deeded to the Victorines in the early 1140s, but it is almost four decades before we hear of a Victorine canon officially charged with the care of souls being installed there.<sup>118</sup> Such a delay was not uncommon. The Victorine chapels at Montgiron (erected in 1189/90) and Piscop (erected in the early thirteenth century) probably had non-Victorine clerics serving in them as late as the 1230s. The presence of secular clerics in the Victorine priories is even more likely, for some of the priories had sizable churches that served large congregations and a multi-cleric staff would have been indispensable. Canons at Saint-Denis in Athis were very likely assisted by secular clerics in this period.<sup>119</sup> Any secular cleric serving in a Victorine church would have had more than sufficient internal and external motivation to attend lectures at the Parisian abbey. In addition to the formal affiliation of their churches with the Victorine Order, there was the growing papal and episcopal pressure on secular clerics to avail themselves of just that type of pastoral instruction that masters such as Robert of Flamborough and Thomas Gallus could have offered. It must remain a possibility, therefore, that non-Victorine students heard lectures at the Victorine school during the first two decades of the thirteenth century. If secular clerics assigned to the Victorine affiliates received university instruction at the Victorine abbey from Thomas Gallus, then the Victorine school should be numbered among the sources of the University of Paris.

#### CURA ANIMARUM VICTORINA

It seems that Arnould le Bescochier was the first university master to fill the teaching position established by *Animarum lucra querentes*. Before his tenure in the 1270s and 80s, there is no verifiable instance of a university master teaching at the Victorine abbey. It is difficult to imagine the initiative that pro-

<sup>117</sup> Bonnard observed, "D'autres, tout en appartenant à son patrimoine ne furent que de simples bénéfices à sa nomination, ainsi Saint-Brice, Cons-la-Ville, Vigneux, Montgiron, Courcouronne, Gacé, Villiers-en-Bière, Vri, Tossi" (*Histoire*, 1:187).

<sup>118</sup> See Schoebel, *Archiv und Besitz*, 167, 175–76, 180; Lohrmann, *Papsturkunden in Frankreich*, 176–78, no. 19; and the decree cited in n. 38 above.

<sup>119</sup> In a passage describing Saint-Denis at Athis, but also Fleury in Bière and Notre-Dame in Puiseaux, Bonnard observed, "A leur tête l'abbé plaçait un prieur, investi de pouvoirs fort étendus et chargé personnellement par l'évêque de la cure d'âmes. Ils étaient servis par des domestiques laïques, et parfois aidés pour le service liturgique par de jeunes clercs séculiers" (*Histoire* 1:294).

duced *Animarum lucra querentes* coming to naught, and it is likely that Arnould had predecessors who left no trace in university or Victorine records. Of course, if Gregory's permission was not implemented for several decades after it was issued, the delay need not be controversial. It could be explained by a convergence of circumstances, for Victorine professions declined in the second half of the thirteenth century, and dissension between some of the affiliates and the mother abbey threatened the order's administrative unity at the end of the century.<sup>120</sup> There was also a succession of schoolmasters at the Parisian abbey between 1237 and 1304 who were capable theology instructors but who do not appear to have attained the university degree of theology master. Declining numbers and an adequate in-house teaching staff might well have relaxed the urgency of the late 1230s. At any event, the situation had changed by the beginning of the fourteenth century. Gerard of St. Victor appears in the sources in 1306 as the first verifiable Victorine regent in the theology faculty of the University of Paris.<sup>121</sup>

A delay in the implementation of *Animarum lucra querentes* would clearly constitute an important dimension of Victorine education in the period after the order's twelfth-century golden age, but it would in no way diminish the witness of Gregory's letter to Victorine pastoral care in the 1230s. Whether it resulted in immediate action or not, the letter reveals Victorine canon-priests providing a full range of pastoral ministries to the faithful of Paris. At the mother abbey and in affiliated parish churches and priories, Victorines administered the sacraments of the Eucharist and last rites, they preached sermons, and they heard confession and granted absolution. Victorine canon-priests drew on the communal resources of their order as they discharged their *cura animarum*, and they also had active papal support. Gregory IX pursued a policy of Victorine reform in the 1230s that had the strengthening of Victorine pastoral care as one of its main goals. A principal plank in his policy was the provision of a theology master from the University of Paris who would offer theological instruction to the order's canon-priests.

Faithful and effective provision of pastoral care in urban centers such as Paris in the early thirteenth century was no small order. The sheer increase in population in such centers put a formidable strain on the Church's material and spiritual resources, as did the economic and social changes that came with marked population growth. The story of the Church's response to these chal-

<sup>120</sup> Ibid. 1:328–29.

<sup>121</sup> For Gerard of St. Victor's tenure as regent master, see *CUP* 2:121, 125–28, 203, nos. 658, 664, and 743; also see Glorieux, *Répertoire* 1:449. Bonnard's mention of Gerard is as brief as it is confusing (*Histoire* 1:346–47 n. 4). See Crossnoe, "*Animarum lucra querentes*," 87–122.

lenges is well known, and thus can be summarized as that process during the twelfth and thirteenth centuries in which the theological and practical essence of pastoral care was redefined, and the traditional ecclesiastical structures through which it had been provided for centuries were either shorn up or completely reconstructed. The creation and mobilization of mendicant religious orders for urban pastoral care is probably the best-known chapter of this process, but the Dominicans and Franciscans were two among many religious institutions that provided pastoral care for growing city populations. By the mid-thirteenth century, the faithful in Paris were covered by a dense mantle of churches and orders and institutions whose overlapping domains of pastoral jurisdiction sometimes led to conflict, but whose ultimate if perhaps ideal *raison d'être* remained the salvation of souls. The Order of Regular Canons of St. Victor was a part of that complicated mantle in the 1230s. The pastoral niche that the Victorines occupied at Paris was close to that of the Dominicans, for both orders shared structural similarities, emphases, and outlooks. Most notably, they shared a belief in the importance of education for pastoral care and were similar objects of papal encouragement in that belief.

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# HEROD'S BURNING OF THE JEWISH GENEALOGIES IN *GYÐINGA SAGA* AND IN THE SECOND OLD NORWEGIAN EPIPHANY HOMILY

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QUITE a lot of what passes for medieval literature can justly be termed "historical" since it concerns itself in one way or another with the lives and exploits of earlier generations, but medieval Scandinavian authors have acquired an uncommon reputation as a people naturally disposed to writing history. From the verse eulogies to Norwegian kings in *Nóregs konunga tal* to the dense biographies of *Morkinskinna* and the later kings' sagas, Old Norse literature demonstrates a remarkable enthusiasm for national and family history, for narratives set in the conversion period, and for the lives of early bishops and native Scandinavian saints.<sup>1</sup> Icelandic authors in particular have been accused of generating a "torrent of Icelandic historiography" out of all proportion to their numbers, largely in response to the Norwegian civil wars of the mid-twelfth century, the advent of King Sverrir in 1177, and the death of Magnús Erlingsson in 1184.<sup>2</sup> Literary handbooks, moreover, customarily date the inception of West Norse literature to the lost histories of Norwegian kings by Sæmundr Sigfússon (1056–1133) and Ari Þorgilsson (1067/68–1148), who are both commonly credited with laying the groundwork for generations of saga

<sup>1</sup> Important introductions to this material include Sture Bolin, *Om Nordens äldsta historieforskning: Studier över dess metodik och källvärde*, Lunds Universitets Årsskrift, n.s., sec. 1, 27, no. 3 (Lund, 1931); James Westfall Thompson, "The Historiography of the Norse Peoples: Iceland, Norway, and Denmark," in *A History of Historical Writing. Volume I: From the Earliest Times to the End of the Seventeenth Century* (New York, 1942), 449–65; Ólafía Einarsdóttir, *Studier i kronologisk metode i tidlig islandsk historieskrivning*, Bibliotheca Historica Lundensis 13 (Lund, 1964); Svend Ellihøj, *Studier over den ældste norrøne historieskrivning*, Bibliotheca Arnamagnæana 26 (Copenhagen, 1965); Tor Ulset, *Det genetiske forholdet mellom Ágrip, Historia Norwegiæ og Historia de antiquitate regum Norwagien-sium: En analyse med utgangspunkt i oversettelsesteknikk samt en diskusjon omkring begrepet "latinisme" i samband med norrøne tekster* (Oslo, 1983); and Theodore M. Andersson, "Kings' Sagas (*Konungasögur*)," in *Old Norse-Icelandic Literature: A Critical Guide*, ed. Carol J. Clover and John Lindow, *Islandica* 45 (Ithaca and London, 1985), 197–238, who provides extensive bibliography.

<sup>2</sup> Birgit and Peter Sawyer, *Medieval Scandinavia: From Conversion to Reformation, circa 800–1500*, The Nordic Series 17 (Minneapolis and London, 1993), 220.

writing.<sup>3</sup> This burst of historiographical activity dominates such a large part of Old Norse literature that it has led to a rash of stereotyped claims that "Icelanders earned a reputation as knowledgeable historians at an early date"<sup>4</sup> and that "Old Scandinavian literature achieved its greatest triumphs in the historical saga-writing of Iceland."<sup>5</sup> No wonder that a modern historian has found occasion to remark that "[t]he greatest achievement of the Icelandic scribes was their history writing, a field in which they had little serious competition in contemporary European literature. They were pre-eminently the historians of their age."<sup>6</sup>

The sheer abundance of this historical literature has made it the focus of much productive scholarship, but a question that has received surprisingly little attention is how the study of Latin history writing played a part in the development of Old Norse religious prose. Among the very earliest texts that survive in Old Norse are a large number of sermons, saints' lives, and other works of religious content based on Latin sources imported from Britain or the Continent, including many that deal with historical matters. However, whereas the "secular" Norse histories have amassed a substantial body of scholarship, their religious counterparts have elicited far less serious study, and a number of basic questions remain unanswered about the intellectual forces that gave them shape. To begin with, what Latin histories, both native and foreign, were known in twelfth- and thirteenth-century Scandinavia, and in what form did they circulate? How and where did Norse authors encounter them, and how did their reading of these histories influence their own understanding of the nature of historical writing? These would appear to be fairly straightforward questions, but given the complicated and sometimes unpredictable ways in which works of Roman and Christian historiography circulated in the Middle Ages (through collections of excerpts and freely adapted translations, for instance),<sup>7</sup> and in light of our limited knowledge about the production and acquisition of books in medieval Scandinavia, any attempt to determine what an author read or how he gained access to a particular text can be fraught with difficulty.

<sup>3</sup> For a classic statement to this effect, see G. Turville-Petre, *Origins of Icelandic Literature* (Oxford, 1953; rpt. 1967), 88–108.

<sup>4</sup> Jónas Kristjánsson, *Icelandic Manuscripts: Sagas, History and Art*, trans. Jeffrey Cosser (Reykjavík, 1993), 62.

<sup>5</sup> Henry Goddard Leach, ed., *A Pageant of Old Scandinavia* (Princeton and New York, 1946), 13.

<sup>6</sup> Knut Gjerset, *History of Iceland* (New York, 1925), 137.

<sup>7</sup> On this issue, see the cogent remarks by Rosamond McKitterick, "The Audience for Latin Historiography in the Early Middle Ages: Text Transmission and Manuscript Dissemination," in *Historiographie im frühen Mittelalter*, ed. Anton Scharer and Georg Scheibeleiter, *Veröffentlichungen des Instituts für Österreichische Geschichtsforschung* 32 (Munich, 1994), 96–114.

Even when a Latin source can be identified for a text in Old Norse, it remains to be explained what that source can tell us about the Norse author's reading habits and methods of composition, his attitude toward foreign traditions of Latin historiography, and possibly even the relationship of his source text to broader patterns of textual transmission and reception. This is an area where source studies can yield valuable insight into the relation of Norse writings to European currents of learning and into the ways in which individual Norse authors read and responded to Latin historical literature, as the present article attempts to illustrate by examining the fortunes of a brief historical narrative that came to be known in twelfth- and thirteenth-century Iceland and Norway.

The story in question is most succinctly related in a work which is itself an unusual specimen of historical literature: the Old Icelandic *Gyðinga saga*, an anthology of Jewish history compiled by the Augustinian monk and priest Brandr Jónsson at the request of the Norwegian king Magnús Hákonarson shortly before Brandr was appointed bishop of the northern Icelandic see of Hólar in 1263. The saga, which has been described as a "typical example of the learned interest in biblical and extrabiblical matters in thirteenth-century Iceland and Norway,"<sup>8</sup> narrates events from the reign of Antiochus Epiphanes to the appointment of Pontius Pilate as procurator of Judaea, a period of some 220 years. In her meticulous studies of the saga's sources, Kirsten Wolf has shown that the Icelandic text translates extensive portions of 1 and 2 Maccabees, Peter Comestor's *Historia scholastica*, an anonymous *Historia apocrypha* known otherwise as a source for two chapters of the *Legenda aurea*, and, at least indirectly, portions of Josephus's *Antiquitates Judaicae* and *De bello Judaico*.<sup>9</sup> In structure and content, *Gyðinga saga* thus presents itself as a methodical compilation of Jewish history drawn from a number of continental Latin authorities, but there are still several passages for which no source is known. One occurs in chapter 30 in the midst of an account of the Herodian dynasty which Wolf has shown to derive mainly from the *Historia scholastica*. Here the abridged translation from Comestor is amplified by a brief statement concerning Herod's attempt to secure for himself the title King of the Jews by restricting the priests' authority, burning the Jewish genealogical records, and claiming to be of Jewish descent:

<sup>8</sup> Hans Bekker-Nielsen, "Gyðinga saga," in *Dictionary of the Middle Ages*, 13 vols. (New York, 1982–89), 6:41.

<sup>9</sup> Kirsten Wolf, "The Sources of *Gyðinga saga*," *Arkiv för nordisk filologi* 105 (1990): 140–55; and *Gyðinga saga*, ed. Wolf, Stofnun Arna Magnússonar á Íslandi 42 (Reykjavík, 1995), lxxxviii–c. Many of Wolf's observations on the sources of *Gyðinga saga* were first advanced in an earlier essay, "Gyðinga saga, *Alexanders saga*, and Bishop Brandr Jónsson," *Scandinavian Studies* 60 (1988): 371–400, esp. 374–84.

Herod also does not appoint the bishop according to hereditary succession or Jewish law. He also takes all the bishops' vestments so that no bishop can perform his office. All these things were continued by Archelaus and the Romans after him. Herod also had all the genealogical records of the Jews burned so that his lineage would not appear contemptible to them. He then thinks he has achieved complete ruling authority.<sup>10</sup>

Wolf's only comment on these lines is that this information "does not appear in any of the sources" known to her,<sup>11</sup> and because an identical passage appears in the late copy of *Gyðinga saga* in the eighteenth-century paper manuscript Reykjavík, Landsbókasafn [Lbs.] 714 8°, she concludes that the passage is original and not a later addition.<sup>12</sup> The only other attempt to identify a source for this passage was undertaken nearly thirty years ago by Ole Widding, who observed that the remark about Herod's burning of the Jewish genealogies bears a striking resemblance to an assertion much earlier in *Gyðinga saga* that the heathen King Antiochus (rather than Herod) burned the Jewish law books and murdered those who possessed them: "Hann let ok brena allar logbækr gyðinga. enn drepa huern er a helldi."<sup>13</sup> But as Widding himself pointed out, this statement concerning Antiochus is clearly taken from 1 Maccabees 1:59–60, which tells that Antiochus committed these deeds in a cruel campaign to eliminate anyone who refused to forsake their God and worship his idols: "et libros legis Dei conbuserunt igni scindentes eos et apud quemcumque invenie-

<sup>10</sup> *Gyðinga saga* 30 (ed. Wolf, 148.5–10): "Herodes skipar ok ecki byskupinn eptir ætt gang. eðr lögum gyðinga. Hann tekr ok allan byskups skrudann. sua at engi byskup ma sitt embætti fremia. Sliku ollu hellt archilaus. ok romueriar eptir hann. Herodes let ok brenna allt ættar tal gyðinga at æigi syniz hans ætt sufuirdlig hia þeim. hann þickiz nu fullkomin vera i rikinu." Cf. the earlier edition by Guðmundur Þorláksson, *Gyðinga saga: En bearbejdelse fra midten af det 13. årh. ved Brandt Jónsson*, Samfund til udgivelse af gammel nordisk litteratur 6 (Copenhagen, 1881), 81.5–11. Translations from Icelandic, Norwegian, and Latin are (fundamentally) mine, but I would like to express my thanks to one of the anonymous readers for *Mediaeval Studies* who generously corrected and improved my translations at several points, particularly in the Appendix below.

<sup>11</sup> Wolf, "Sources of *Gyðinga saga*," 149; see also *Gyðinga saga*, ed. Wolf, xcvi.

<sup>12</sup> *Gyðinga saga*, ed. Wolf, xcvi n. 67; cf. Wolf's "An Extract of *Gyðinga saga* in Lbs. 714 8vo," in *Opuscula IX*, ed. Peter Springborg, Bibliotheca Arnarnagæna 39 (Copenhagen, 1991), 189–202.

<sup>13</sup> *Gyðinga saga* 2 (ed. Wolf, 8.5–6; cf. the edition by Guðmundur Þorláksson, 5.10–11). Widding's comments appeared in his review of Astrid Salvesen, trans., *Gammelnorsk homiliebook*, Introduction and commentary by Erik Gunnes (Oslo, Bergen, Tromsø, 1971), in *Mediaeval Scandinavia* 5 (1972): 191–92 (at 192). Widding's observation was prompted by Gunnes's suggestion (trans. Salvesen, 169) that the longer of these passages from *Gyðinga saga* depends on the same source as a passage from the second Old Norwegian Epiphany Homily. The present article is intended in part as a refinement of Gunnes's suggestion, which to my knowledge has never been followed up.

bantur libri testamenti Domini et quicumque observabant legem Domini secundum edictum regis trucidabant eum."<sup>14</sup> Thus the passage from 1 Maccabees cannot be credited with inspiring the later story about Herod's burning of the Jewish genealogies, and in the absence of any additional evidence concerning the saga's sources, Widding tentatively concluded that "it is Josephus or some similar Latin source which has provided the material."<sup>15</sup>

Because the connections between *Gyðinga saga* and Josephus have since been explored in detail by Wolf, it is now possible to see that Widding was on the wrong track in thinking this passage derives from Josephus. But another historian of the Herodian dynasty corroborates this account quite closely, namely Eusebius of Caesarea, whose *Historia ecclesiastica* relates the episodes of Herod locking up the priestly robes and burning the Jewish genealogies in two separate places.<sup>16</sup> At the close of book 1, chapter 6, Eusebius paraphrases Josephus's assertion in the *Antiquitates Judaicae* that upon being named King of Judaea by the Roman senate, Herod abandoned the Jewish practice of appointing high priests from the tribe of Levi and began nominating less worthy men for the position. In the expanded Latin translation produced by Rufinus in the opening decade of the fifth century,<sup>17</sup> Eusebius's account continues:

This same Josephus points out that Herod also kept the sacred vestment of the high priest locked up under his own seal, for he would not allow the priests to use it or have access to it at any time. His successor Archelaus also did the same thing, and the Romans after them continued this practice of injustice to the high priests.<sup>18</sup>

<sup>14</sup> *Biblia sacra iuxta Vulgatam versionem*, ed. Robert Weber, 3d emended ed. (Stuttgart, 1983), 1435.

<sup>15</sup> Widding, review of Salvesen, 192.

<sup>16</sup> On Eusebius's reliance on Josephus for details in the life of Christ and the reign of Herod, see Robert M. Grant, "Eusebius, Josephus and the Fate of the Jews," in *Society of Biblical Literature 1979 Seminar Papers. Vol. II*, ed. Paul J. Achtemeier (Missoula, Montana, 1979), 69–86. Eusebius's debt to Josephus and Africanus for details in the life of Herod is concisely summarized by Eduard Schwartz and Theodor Mommsen, *Die Kirchengeschichte: Die lateinische Übersetzung des Rufinus (=Eusebius Werke 2)*, 3 vols., Die griechischen christlichen Schriftsteller 9.1–3 (Leipzig, 1903–9), 3:95–96 (s.v. Ἡρώδης). This edition is used in all citations of the *Historia ecclesiastica* of Eusebius/Rufinus in the notes below.

<sup>17</sup> On Rufinus's translation of Eusebius, see J. E. L. Oulton, "Rufinus's Translation of the Church History of Eusebius," *The Journal of Theological Studies* 30 (1928–29): 150–74; Maurice Villain, "Rufin d'Aquilée et l'Histoire ecclésiastique," *Recherches de science religieuse* 33 (1946): 164–210; and Torben Christensen, *Rufinus of Aquileia and the "Historia Ecclesiastica," Lib. VIII–IX, of Eusebius*, Historisk-filosofiske Meddelelser 58 (Copenhagen, 1989).

<sup>18</sup> Eusebius/Rufinus, *Historia ecclesiastica* 1.6.10 (ed. Schwartz and Mommsen, 1:53.6–10): "idem ipse Ioseppus indicat, quod etiam sacram vestem pontificis summi Herodes ob-



In the following chapter, Eusebius then enters into a discussion of Christ's lineage and quotes at length from a famous epistle by the Alexandrian chronographer Julius Africanus, who attempts to reconcile the apparent discrepancies in the genealogies recorded by Matthew and Luke. Africanus's argument, reproduced in its virtual entirety by Eusebius (and in turn by Rufinus), is that both evangelists are correct, though they arrive at the truth by different means, and that the details of Christ's lineage could never have been hidden from the Church in spite of Herod's attempt to destroy the Hebrew records in the temple:

But the aforementioned men had especially committed that to record, that during that time all the genealogies of the Hebrews had been preserved in writing in the more secret archives of the temple, which also contained records of the origins of all foreigners, such as Achior from the Ammonites and Ruth from the Moabites, as well as others who had come from Egypt who were said to have mixed with the Israelites. But when Herod was at the height of his power, he realized that if proofs of this kind were to remain in existence, they would earn him the utmost ignominy. And because he was tormented by the recollection of his ignoble birth, he commanded that all the books containing genealogical records be burned, thinking that he would be able to be regarded as noble if it could not be argued from any written document that he was a newcomer and a stranger to the Israelite race.<sup>19</sup>

Still quoting from Africanus, Eusebius goes on to say that in spite of Herod's machinations, the most devout Jewish families, including Christ's relatives, had assiduously collected the Hebrew genealogical records on their own and could reconstruct Christ's lineage from memory as well as by written record. Herod's destruction of the temple documents thus left the most reliable genealogical rec-

clusam sub signaculo suo tenuerit nec umquam pontificibus usum eius potestatemve permiserit. hoc idem et successor eius Archelaus, hunc et Romani post ipsos morem pontificalis iniuriae tenuere." For Eusebius/Rufinus, the chief significance of this story is that it fulfills the prophecy of Daniel 9:26–27, which foretells that at the time of the Messiah's coming a new people and a new leader will emerge to destroy the sanctuary and put an end to the anointing of the priests.

<sup>19</sup> Eusebius/Rufinus, *Historia ecclesiastica* 1.7.13 (ed. Schwartz and Mommsen, 1:61.2–13): "sed illud praecipue supra dicti viri memoriae tradiderunt, quod per idem tempus omnes Hebraeorum generationes descriptae in archivis templi secretioribus habebantur, in quibus etiam alienigenarum quorumque continebantur origines, sicut Achior ex Ammanitis et Ruth ex Moabitibus, alii etiam ex Aegypto qui dicuntur Israelitis esse commixti. verum Herodes cum summam potestatem teneret, videns quod huiusmodi generis indicia, si permanerent, offuscationis sibi plurimum quaerent, ignobilitatis suae conscientia exagitatus omnes libros, in quibus conscriptio generis habebatur, iussit incendi, aestimans se nobilem videri posse, si novicius esse et advena Israelitici generis nullis conscriptionum fascibus urgeretur."

ords intact, and the lists of generations which Matthew and Luke obtained from these families are accordingly of the highest authority.

A comparison of these two excerpts from the Eusebius/Rufinus *Historia ecclesiastica* with the passage quoted earlier from *Gyðinga saga* shows that every detail in the Icelandic finds an exact parallel in the Latin: Herod's selection of "bishops" from outside Jewish law, his confiscation of the priestly robes, the continuation of this practice by Archelaus and the Romans, Herod's burning of the Hebrew genealogies, and his desire to conceal his origins and be recognized as a Jew. That the episode in *Gyðinga saga* is at least ultimately indebted to Eusebius is obvious enough, but because Eusebius's *Historia* was so widely known in the Middle Ages through Rufinus's translation and through borrowings and adaptations of various kinds, it is important to be aware of how individual details in this story got passed on. To begin with, Herod's appointment of undeserving men to the high priesthood is of course a detail related first in Eusebius's own source, Josephus's *Antiquitates*, a work that came to be known in the medieval West through another Latin translation by Rufinus which had itself evidently begun circulating in parts of Scandinavia by the thirteenth century.<sup>20</sup> The story of Herod's burning of the Jewish genealogies was likewise first told in one of Eusebius's sources, Africanus's epistle, although here Eusebius/Rufinus was unquestionably responsible for disseminating the story to northern and western Europe since the epistle itself survives

<sup>20</sup> Wolf, "Sources of *Gyðinga saga*," 145, is perhaps overly cautious in stating that "Josephus was certainly known in Iceland in the Middle Ages, but there are no indications that his works were actually available as early as the thirteenth century" (see also *Gyðinga saga*, ed. Wolf, xcii). Extensive portions of *Antiquitates*, chaps. 16 and 17, are incorporated into *Mariu saga* (written 1216×1236): see Gabriel Turville-Petre, "The Old-Norse Homily on the Assumption and the *Mariu Saga*," *Mediaeval Studies* 9 (1947): 131–40 (at 134, 139); Turville-Petre, *Origins of Icelandic Literature*, 124; and Wilhelm Heizmann, "Mariu saga," in *Medieval Scandinavia: An Encyclopedia*, ed. Phillip Pulsiano (New York and London, 1993), 407–8. Reidar Astås, "Nytt lys over *Stjórn II*," *Arkiv för nordisk filologi* 104 (1989): 49–72, suggests (at 51–53) that the *Antiquitates* was also known to the thirteenth-century author of *Stjórn II*. Ernst Walter, "Die lateinische Sprache und Literatur auf Island und in Norwegen bis zum Beginn des 13. Jahrhunderts: Ein Orientierungsversuch," *Wissenschaftliche Zeitschrift der Ernst-Moritz-Arndt-Universität Greifswald, Sonderheft: Nordeuropa Studien* 20 (1971): 195–230, identifies the *Antiquitates* (at 208) as one of several works available to Scandinavian historiographers by the middle of the twelfth century, although he offers no evidence to substantiate this claim. On the circulation of copies of Josephus's *Antiquitates* and *De bello Judaico* in North German and Scandinavian libraries in the fifteenth and sixteenth centuries, see Paul Lehmann, "Auf der Suche nach alten Texten in nordischen Bibliotheken," *Zentralblatt für Bibliothekswesen* 54 (1937): 261–86 (at 268–71); Ellen Jørgensen, "Studier over danske middelalderlige Bogsamlinger," [*Dansk*] *Historisk Tidsskrift*, ser. 8, 4 (1912–13): 1–67 (at 17, 31, 49); and Johs. Lindbæk and Ellen Jørgensen, "To Bogfortegnelser fra det 16. Aarhundredes Begyndelse," *Danske Magazin*, ser. 6, 1 (1913): 307–34 (at 309, 326).

only in Greek fragments and was transmitted exclusively through the Eusebius/Rufinus *Historia*.<sup>21</sup> At the same time, however, Eusebius's account of Herod's burning of the genealogies was independently taken up by a number of medieval chroniclers and historians interested in the political drama of Herod's reign, including Bede, who summarizes the episode in his *De temporum ratione* and in the process corrects Eusebius by giving a revised version of the Herodian genealogy.<sup>22</sup> Later adaptations of the same story also appear in the *Historiae sacrae epitome* by Haymo of Auxerre († ca. 865),<sup>23</sup> in the tenth-century Syriac *Universal History* by Agapius,<sup>24</sup> in the sermon on the Nativity of the Virgin in the *Legenda aurea*,<sup>25</sup> and in the thirteenth-century *Historia ecclesiastica* by the Byzantine scholar Nicephorus Callistus (ca. 1256–ca. 1335), who devotes an entire chapter to the fortunes of the Herodian clan, but who, like most of his predecessors, neglects to identify Eusebius as his source.<sup>26</sup> By the time Brandr

<sup>21</sup> On the severely restricted transmission of Africanus's epistle to Aristides in the patristic era and Middle Ages, see Walther Reichardt, ed., *Die Briefe des Sextus Julius Africanus an Aristides und Origines*, Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 34.3 (Leipzig, 1909), 2–19.

<sup>22</sup> Bede, *De temporum ratione* 66.263 (ed. Th. Mommsen/Ch. W. Jones, CCL 123B [Turnhout, 1977], 494.949–52): "Qui ne ignobilis forte et a Iudeorum semine argueretur extraneus, [Herodes] combussit libros omnes, quibus nobilitas gentis Iudaeae in templo servabatur adscripta, ut deficientibus probarentis et ipse ad hanc pertinere putaretur."

<sup>23</sup> Haymo, *Historiae sacrae epitome* 1.5 (PL 118:820C): "Per idem vero tempus summam Herodes tenens potestatem, cum ignobilis esset, invidens generositati Iudaeorum, libros generationis eorum, qui descripti habebantur, in archivis templi secretioribus, cum quibusdam genealogiis alienigenarum, ut Achior ex Ammonitis, et Ruth ex Moabitibus, incendi iubet." On the authorship and reception of this work, see Henri Barré, "Haymon d'Auxerre," in *Dictionnaire de spiritualité*, 17 vols. (Paris, 1932–95), 7:91–97 (at col. 95); and Dominique Iogna-Prat, "L'oeuvre d'Haymon d'Auxerre: État de question," in *L'école carolingienne d'Auxerre de Murethach à Remi 830–908. Entretiens d'Auxerre 1989*, ed. Iogna-Prat, Colette Jeudy, and Guy Lobrichon (Paris, 1991), 157–79 (at 159, 170–71).

<sup>24</sup> Agapius (Mahboub) de Menbidj, *Kitab Al-'Unvan (Histoire Universelle). Seconde partie, fasc. 1*, ed. and trans. Alexandre Vasiliev, *Patrologia Orientalis* 7 (Paris, 1911; rpt. Turnhout, 1971), 457–591: "lorsque Hérode fut nommé gouverneur, il fit brûler les livres généalogiques des tribus des Hébreux, pour qu'on ne sût pas qu'il était d'une race peu estimée chez eux; et il prit le vêtement sacerdotal, le mit sous scellé et il ne laissait chacun des grands prêtres en fonction que pendant un an" (472).

<sup>25</sup> *Legenda aurea* 31 (126) (ed. Th. Graesse, *Jacobi a Voragine Legenda aurea vulgo Historia Lombardica dicta* [Breslau, 1890; rpt. Osnabrück, 1969], 585): "Sicut autem in ecclesiastica hystoria dicitur et Beda in sua chronica testatur, cum omnes generationes Hebraeorum et alienigenarum in archivis templi secretioribus servarentur, Herodes omnes jussit incendi, existimans se nobilem posse videri, si deficientibus probarentis progenies sua ad Israel pertinere crederetur."

<sup>26</sup> Nicephorus, *Ecclesiastica historia* 1.9 (PG 145:659A/660A), which in Latin translation reads: "Publicas enim tribuum descriptiones omnes, quae ab ipso usque Esdra duraverant, furore percitus flammis consumpsit, illud pessimum omnino secutus consilium, ut qui eo

Jónsson began compiling *Gyðinga saga* in the mid-thirteenth century, then, several versions of the Herod story had already been lifted from Eusebius and had been filtered through other historical and religious works of some notoriety, so that a derivative version of the story could conceivably have come to Brandr's attention indirectly through an intermediary text such as Haymo's *Epitome* or the *Legenda aurea*. However, the likelihood of this sort of indirect transmission falls off dramatically when one realizes that the Eusebius/Rufinus *Historia ecclesiastica* is also a source for another passage in *Gyðinga saga*, the remark at the opening of chapter 30 that Christ was born "aa odru ári hins fiorda tigar. rikiss augustí. ok xx. ok xvij. herodis. ok xx. ok viij. eptir dauda cleopatre. ok antoníy."<sup>27</sup> This statement is in close agreement with the assertion in Eusebius/Rufinus that the year of Christ's birth was "igitur secundo et quadragesimo imperii Caesaris Augusti anno, ab Aegypto vero subiugata et Antonii vel Cleopatrae interitu, in quam novissimam Ptolomaeorum apud Aegyptum regna ceciderunt, octavo et vigesimo anno."<sup>28</sup> There are good grounds for thinking, therefore, that in compiling chapter 30 of *Gyðinga saga*, Brandr Jónsson made direct, albeit selective, use of a copy of the Eusebius/Rufinus *Historia ecclesiastica*, a work which he evidently consulted in order to fill in two small gaps in the narrative of Herod's life and reign for which he otherwise relied almost exclusively on Comestor's *Historia scholastica*.

There is an additional reason for suspecting that Brandr had access to a copy of the Eusebius/Rufinus *Historia*, or at least to the sections dealing with Herod, and that is that this same story about Herod's burning of the Jewish genealogies appears in an earlier Norse text, the second Epiphany homily in the Old Norwegian Homily Book. This homily, uniquely within the corpus of Old Norse sermons, is divided in manuscript into two discrete parts, a prefatory discussion of the biblical events commemorated by the feast (rubricated *Secundum Matheum. In Epiphania*), followed by a series of exegetical comments on select traditional themes (separately titled *Omelia*). The first part consists almost entirely of a paraphrase of the standard pericope for Epiphany, Matthew 2:1–12, on the visit of the magi, to which the homilist has added two pre-

nomine arroganter superbirent, de caetero ignorarent, unde quisque genus traheret, qui indigenae, quive inquilini [essent].” See Günter Gentz, *Die Kirchengeschichte des Nicephorus Callistus Xanthapulus und ihre Quellen*, ed. Friedhelm Winkelmann, *Texte und Untersuchungen zur Geschichte der altchristlichen Literatur* 98 (Berlin, 1966), 26–28. Nicephorus's history was, however, virtually unknown in the West until it was first published with a Latin translation in 1555.

<sup>27</sup> *Gyðinga saga* (ed. Wolf, 146.5–6; see also the edition by Guðmundur Þorláksson, 80.8–10). Wolf, “Sources of *Gyðinga saga*,” 149, states that “this information is not found in the source texts.”

<sup>28</sup> Eusebius/Rufinus, *Historia ecclesiastica* 1.5.2 (ed. Schwartz and Mommsen, 1:45.24–27).

liminary remarks taken from nonbiblical sources, one on the etymology of Bethlehem as “house of bread,” the other on a series of events said to have taken place during the reign of Herod:

In the days when Christ was born, Herod was king of the Jews, he who was of the nation of the Palestinians. He commanded that all the children in Judaea be killed and intended to kill Christ along with those children. He also had all the books in the temples burned in which the royal high rank of the Jewish people was recorded. And he did that because he wanted other men to think that he was a king of the race of the Jews and to believe that he was preeminently of royal blood. And in this way he wished to mix his kin with their kin.<sup>29</sup>

As with the passage in *Gyðinga saga*, every detail in this anecdote is in close agreement with Eusebius/Rufinus. Even the passing comment that Herod “var af kyni Palestinorum” may depend on Eusebius/Rufinus since it recalls the story in book 1, chapter 6 of the *Historia ecclesiastica* (here taken from Josephus) and repeated in chapter 7 (this time from Africanus) that Herod’s father, Antipater, was kidnapped as a child by Idumaeen robbers and raised among them in Palestine, where Herod subsequently grew up.<sup>30</sup>

<sup>29</sup> *Gamal norsk homiliebok. Cod. AM 619 4º*, ed. Gustav Indrebø, Norsk historisk kjel-deskrift-institut, Skrifter 54 (Oslo, 1931; rpt. 1966), 61.17–25: “A þeim daogum er Cristr vár boren. þa var Herodes konungr gyðinga sa er var af kyni Palestinorum. sa bauð at lata drepa oll born þau er varo á lorsala-lande. ok ætlaðe at þa myndi hann drepa Crist með þeim bornum. Hann let oc brenna bœcr þær allar er vaoro í mysterum þeim er scrifat var konongleg tign gyðinga folcs. En þat gerði hann fyrri því at hann vildi at aðrer menn ætlaðe at hann være konungr af kyni gyðinga. ok tryði því er fyrst var kononga kyn. ok vildi sva blanda sinu kyni við þeirra kyn.” Oddmund Hjelde, *Norsk preken i det 12. århundre: Studier i gammel norsk homiliebok* (Oslo, 1990), 196, mistakenly identifies the source of this passage as Haymo’s *Historiae sacrae epitome*.

<sup>30</sup> The story of Herod’s affiliation with Idumaeen robbers is repeated by Ambrose, *Expositio evangelii secundum Lucam* 3.41 (ed. M. Adriaen, CCL 14 [Turnhout, 1957], 98), who takes his information directly from Eusebius. Herod’s Idumean background is also alluded to in the Cassiodorus/Epiphanius *Historia ecclesiastica tripartita* 1.2 (ed. R. Hanslik, CSEL 71 [Vienna, 1952], 10.15–17), though virtually nothing else is said of Herod or his reign. For other discussions of Herod’s ancestry and his ambitions to rule over the Jews, see Rufinus, *De benedictionibus patriarcharum* 1.7 (ed. M. Simonetti, CCL 20 [Turnhout, 1961], 194.4–12); and Chromatius of Aquileia, *Tractatus IV, In Math. II, 1–9* (ed. R. Étaix and J. Lemarié, CCL 9A [Turnhout, 1974], 214.100–104). The Talmudic tractate *Baba Bathra* similarly testifies to Herod’s embarrassment about his ignoble origins: *Baba Bathra* 3b–4a (trans. Maurice Simon, *The Babylonian Talmud Part IV: Seder Neziḳin III*, 2 vols. (London, 1935), 2:10; see the comments on this passage by Louis H. Feldman in his Introduction to *Josephus, Judaism, and Christianity*, ed. Louis H. Feldman and Gohei Hata (Detroit, 1987), 56–57. According to Miriam Anne Skey, “Herod the Great in Medieval Art and Literature” (unpublished D.Phil. thesis, University of York, 1976), “Eusebius’s account of such treatment by Herod of the books of genealogy may have been the inspiration for the authors of later liturgical drama who had Herod maltreat the books of prophecy from which his scribes read” (32).

The context of the Herod anecdote in the Norwegian homily is somewhat unusual in that it was not common practice for medieval sermon writers to make use of historiographical material to interpret a Gospel lection or explain the significance of a feast.<sup>31</sup> The only other medieval homily I am aware of from the twelfth century or earlier that quotes directly from the Eusebius/Rufinus *Historia* is Bede's *Homelia Evangelii* II.21, which quotes a passage of about fifty words from Eusebius/Rufinus on an incident pertaining to the suffering and martyrdom of James the son of Zebedee.<sup>32</sup> By comparison, the rest of the Norwegian homily is fairly unremarkable in that it rehearses a series of conventional topoi culled from Gregory the Great, Haymo of Auxerre, Honorius Augustodunensis, and Maximus of Turin, and reads like a generic medieval Epiphany homily.<sup>33</sup> But these brief opening remarks about Herod serve as an innovative and rhetorically efficient introduction to the pericope. The reference to Herod's reign helps situate Christ's birth historically, and the allusions to Herod's slaying of the Innocents and his burning of the Jewish genealogies dramatize an aspect of Herod's malicious character that proves central to the Gospel story that immediately follows. More importantly, however, bringing in the Herod story also has a calculated psychological function since it explains Herod's private motivation for slaying the Innocents. The unstated but implied connection between this opening narrative and the passage from Matthew is

<sup>31</sup> There are of course exceptions. Vercelli Homilies 5 and 6 are two Old English Christmas sermons that draw (at least ultimately) from Orosius's *Historia contra paganos* for information about miracles that occurred at Christ's birth: *The Vercelli Homilies and Related Texts*, ed. D. G. Scragg, EETS, o.s., 300 (Oxford, 1992), 111–32; discussion by J. E. Cross, "Portents and Events at Christ's Birth: Comments on Vercelli V and VI and the Old English Martyrology," *Anglo-Saxon England* 2 (1973): 209–20. The nature of the borrowings from Orosius, however, is that of anecdotal accounts of natural miracles, not historical narrative.

<sup>32</sup> Bede, *Homeliarum Evangelii libri II*, II.21 (ed. D. Hurst, CCL 122 [Turnhout, 1955], 340). Hurst also finds echoes of Eusebius/Rufinus in three other Bede homilies (nos. I.9, I.21, II.23 [ed. Hurst, 63, 154, 355]), but these appear to be rather distant allusions unsupported by direct verbal correspondences. There are also several apparent allusions to Eusebius/Rufinus within the sermons of the Eusebius "Gallicanus" collection (written and compiled in Gaul between the sixth and ninth centuries, possibly by Caesarius of Arles or one of his students), but none of these is a direct quote: see *Eusebius "Gallicanus": Collectio Homiliarum*, ed. Fr. Glorie, 3 vols., CCL 101, 101A, 101B (Turnhout, 1970–71), 1:133, 282, 326, 2:810. It is also worth pointing out that one of the readings provided for in Paul the Deacon's ninth-century Homiliary (no. I.32) is an excerpt from the Eusebius/Rufinus *Historia* adapted for the feast of St. John the Evangelist: see Friedrich Wiegand, *Das Homiliarium Karls des Grossen auf seine ursprüngliche Gestalt hin untersucht*, Studien zur Geschichte der Theologie und der Kirche 1.2 (Leipzig, 1897), 83–87; Réginald Grégoire, *Homéliaires liturgiques médiévaux: Analyse de manuscrits*, Biblioteca degli "Studi Medievali" 12 (Spoleto, 1980), 436.

<sup>33</sup> On the probable sources of this homily, see the impressive analysis by Hjelde, *Norsk preken*, 196–202, which now supersedes the source notes by Erik Gunnes in *Gammelnorsk homiliebok*, trans. Salvesen, 168–69.

that before Christ was born, Herod burned the Jewish genealogies in order to make it possible for him to claim that he was king of the Jews. But then the magi came along and announced that Christ, the true King of the Jews, had been born in Bethlehem. Herod's claim was thus openly challenged, so to silence his rival claimant he ordered the slaying of the Innocents. The logic of this sequence of events is nowhere made plain in Scripture, however, and the only way to apprehend it is to read Eusebius side by side with the Gospel passage just as the homilist has done. Thus by prefacing the pericope with an anecdote borrowed from Eusebius/Rufinus, the homilist in effect sets up the Gospel reading from a historical perspective and brings to light a dimension of the Herod story not evident in the Gospel itself.

The Epiphany homily is difficult to date with any precision, although like most of the texts in the Old Norwegian Homily Book it preserves a variety of linguistic and orthographical features that suggest it was composed sometime during the first half of the twelfth century, then copied in its present form as much as a century later, probably at or near Bergen.<sup>34</sup> A *terminus post quem* is indicated by the homily's latest probable source, Honorius's *Speculum ecclesiae*, which evidently supplied the homilist with a remark about Balaam's

<sup>34</sup> The manuscript is dated "c1200-1225" in the *Ordbog over det norrøne prosasprog: Registre* (Copenhagen, 1989), 275-76. In his introduction to the facsimile, *Gammelnorsk Homilieboek etter AM 619 qv.*, Corpus Codicum Norvegicorum Medii Aevi, Quarto Serie 1 (Oslo, 1952), Trygve Knudsen observes that on linguistic, orthographic, and literary-historical grounds, many of the manuscript's contents can be dated to the first half of the twelfth century, and that the translation of Alcuin's *De virtutibus et vitiis* at the beginning of the manuscript preserves linguistic features common to late eleventh-century Norway. The language of the homilies is most thoroughly discussed by Marius Hægstad, *Vestnorske maalføre fyre 1350. I. Nordvestlandsk*, Videnskabs-Selskabets Skrifter 1907, Hist.-filos. Klasse, no. 1 (Christiania, 1908), 41-76, who proposes (at 75) that the Homily Book was compiled at a Benedictine foundation in northwest Norway, perhaps at the monastery of St. Alban's, founded on the island of Selja ca. 1100. George T. Flom, ed., *Codex AM 619 Quarto. Old Norwegian Book of Homilies Containing "The Miracles of Saint Olaf" and Alcuin's "De Virtutibus et Vitiis,"* University of Illinois Studies in Language and Literature 14.4 (Urbana, 1929), 50 n. 21, places the dialect of scribe 1 at Sønford and the dialect of scribe 2 at Western Sogn. Against Elis Wadstein's argument in *Fornnorska Homilieboekens Ljudlära* (Upsala, 1890) that the Homily Book was written in eastern Norway at Hamar, Gustav Storm, "Kan det ansees bevist, at den norske Homilieboek (AM. 619 qv.) er skrevet i Hamar?" *Arkiv för nordisk filologi* 10 (1894): 197-200, proposes a point of origin somewhere in the region of Oslo Fjord. The current view is best summed up by David McDougall, "Homilies (West Norse)," in *Medieval Scandinavia: An Encyclopedia*, 290, who locates the manuscript "in the vicinity of Bergen, Norway, perhaps at either of the Benedictine monasteries of Munkalif or Sancti Albani on Selja, or at the Augustinian house of Jónskirkja," a conclusion supported by Mattias Tveitane, "Første Julepreken" i *Gamal Norsk Homilieboek: En språklig oversikt*, *Maal og minne* (1975): 20-29.

prophecy of Christ's advent toward the beginning of the *omelia*<sup>35</sup> and which probably dates to the first decade of the twelfth century.<sup>36</sup> Even if the homily was written as late as 1150, the homilist would have had to come into contact with some form of the Herod story more than a century earlier than Brandr Jónsson did, which brings up the question of how early the Herod story was available to authors in Norway and Iceland and in what form it circulated. Did both authors have access to a complete copy of the Eusebius/Rufinus *Historia*, or could the anecdote have circulated in some other fashion, mediated through a derivative text which both authors happened upon by coincidence? A possibility that has to be considered here, in view of the coincidental use of the same story by two Norse authors, is that one of the Norse texts is actually relying on the other rather than on the Latin of Eusebius/Rufinus, but the lack of textual correspondences between the two shows this not to be the case. The closest the two Norse texts come to each other is in the crucial statement that Herod also caused all the books containing genealogical records to be burned; this is rendered as "Herodes let ok brenna allt ættar tal gyðinga" in Brandr, against "Hann let oc brenna bœcr þær allar er vaoro í mysterum þeim er scrifat var konongleg tign gyðinga folcs" in the homily, and corresponds to "Herodes . . . omnes libros, in quibus conscriptio generis habebatur, iussit incendi" in Eusebius/Rufinus. In each case it is much easier to believe that the Norse is a paraphrase of the Latin than that either Norse text directly borrows from the other, particularly since the overlap between Brandr and the homily is limited to three words (*let ok brenna*) which are probably inescapable given the content of the sentence. In addition, because each of the Norse accounts contains information that appears in the Latin but not in the other Norse text, it seems certain that both are independently rooted in the same passages from Eusebius/Rufinus. Compare, for instance, the homilist's remark that the books were kept in the temple (*i mysterum*) with Eusebius/Rufinus's reference to the Hebrew genealogies secretly hidden *in archivis templi*; and compare Brandr's assertion that Herod locked up all the bishops' vestments to prevent them from performing their office ("Hann tekr ok allan byskups skrudann. sua at engi byskup ma sitt

<sup>35</sup> See n. 76 below.

<sup>36</sup> Marie-Odile Garrigues, "L'oeuvre d'Honorius Augustodunensis: Inventaire critique," *Abhandlungen der Braunschweigischen wissenschaftlichen Gesellschaft* 38 (1986): 7–136, advocates a date in the range 1103–1108 but observes (at 108) that any dating of the *Speculum ecclesiae* must remain tentative in the absence of a critical edition. V. I. J. Flint, "The Chronology of the Works of Honorius Augustodunensis," *Revue bénédictine* 82 (1972): 215–42, thinks it likely that Honorius had begun if not completed the *Speculum ecclesiae* by 1102/3, when it appears he left England for the Continent. Hermann Menhardt, "Der Nachlaß des Honorius Augustodunensis," *Zeitschrift für deutsches Altertum und deutsche Literatur* 89 (1958–59): 23–69, dates the *Speculum* "um 1120" (68).



embætti fremia”) with Eusebius/Rufinus’s recollection of the same act: “sacram vestem pontificis summi Herodes obclusam sub signaculo suo tenuerit nec unquam pontificibus usum eius potestatemve permiserit.” From these patterns of correspondence it is difficult not to conclude that Brandr and the homilist must have independently consulted the same sections of the Eusebius/Rufinus *Historia ecclesiastica*—if not a derivative work that happened to preserve those same sections of Eusebius/Rufinus intact.

A complicating factor with the Epiphany homily is that while it, like *Gyðinga saga*, is a compilation from several Latin sources, the homilist may well have translated an existing Latin compilation rather than piecing it together himself, in which case the Herod anecdote came to him already spliced into the homily and not as an independently circulating text. This would certainly be in keeping with the practice of many medieval homilists, but the fact of the matter is that within the corpus of Old Norse sermons, there are far more examples of sermons that are either unique and unsourced or that uniquely combine multiple Latin texts in Norse translation than there are of faithful translations of preexisting Latin compilations. Of the thirty-one sermons in the Old Norwegian Homily Book, at least sixteen are novel combinations of Latin texts, while another six are at least partly unsourced.<sup>37</sup> By the same token, nineteen of the sixty-two texts in the Old Icelandic Homily Book are compiled from Latin sermons and tracts that have been brought together in configurations unparalleled outside Old Norse literature, while another twenty-three remain mostly or completely unsourced.<sup>38</sup> Even the celebrated Stave Church Dedication Sermon, which survives in both Homily Books and in two additional manuscripts, can be linked to no single Latin antecedent and is by all appearances an original Norse creation adapted loosely and creatively from a variety of Latin models.<sup>39</sup> As a group, then, the early Norwegian and Icelandic homilists appear to have been at least as adept at working from scratch as they were at translating wholesale Latin imports, and since the contents of the Norwegian Epiphany homily can be found in no other single sermon, the most rea-

<sup>37</sup> See the analysis of contents by Hjelde, *Norsk preken*.

<sup>38</sup> See the analysis of contents by Andrea De Leeuw Van Weenen, ed., *The Icelandic Homily Book. Perg. 15 4° in the Royal Library, Stockholm*, Íslensk handrit: Icelandic Manuscripts, Series in Quarto 3 (Reykjavík, 1993), 7–15. In answer to his own question, Karel Vrátný, “Enthält das Stockholmer Homilienbuch durchweg Übersetzungen?” *Arkiv för nordisk filologi* 32 (1916): 31–49, found that only sixteen homilies are complete or near-complete translations from Latin.

<sup>39</sup> See G. Turville-Petre, “The Old Norse Homily on the Dedication,” *Mediaeval Studies* 11 (1949): 206–18, rpt. in Turville-Petre, *Nine Norse Studies* (London, 1972), 79–101; Hans Bekker-Nielsen, “The Old Norse Dedication Homily,” in *Festschrift für Konstantin Reichardt*, ed. Christian Gellinek (Bern and Munich, 1969), 127–34; Hjelde, *Norsk preken*, 290–306; and De Leeuw Van Weenen, ed., *The Icelandic Homily Book*, 11.

sonable assumption is that it too is a unique compilation from a variety of individual Latin sources which the homilist either had immediately at hand in manuscript or had sufficiently absorbed into his memory that he could call forth relevant passages and concord them into an original composition. When one adds to this the circumstantial fact that the Herod anecdote was also available to Brandr Jónsson, who appears to have taken it directly from Eusebius/Rufinus, the possibility becomes very attractive that the Norwegian homilist likewise consulted a copy of the Eusebius/Rufinus *Historia*.

If this is the case, then the Old Norwegian Epiphany homily provides the earliest evidence for the circulation of the Eusebius/Rufinus *Historia* in medieval Scandinavia, a point with potentially serious implications for the development of Norse historiography since this work, perhaps to a greater degree than any other, was responsible for shaping medieval readers' understanding of the idea of sacred history. From the time of its composition in the early fifth century, Eusebius's *Historia* was universally regarded as the preeminent and definitive study of the early Christian Church, a work that combines a methodical arrangement of historical data with an apologetic interpretation of that data arguing that history is useful and edifying, a mode of writing that serves as an illuminating vehicle for truth. Because Eusebius viewed Christians everywhere as a homogenous people united by their faith, his history of Christianity was instrumental in introducing to the medieval West a view of history as the record of a collective experience. His conviction that Christian history follows a supremely ordered divine plan also led him to situate his history of the Church within a much larger history of the entire world, reaching back to the beginning of time and chronicling the unfolding of a series of stages which culminate in the birth of the imperial Roman Church under Constantine. In terms of method, Eusebius's *Historia* was the first work of Christian historiography to make critical use of documentary evidence, incorporating lengthy quotations and excerpts from historical records into his narrative. But above all, his greatest legacy to medieval historians was his optimistic notion of historical progress, an idea without which much medieval history could never have been written. As one Eusebius scholar has written, "The idea that real historical progress was possible, and the idea that true religion had the responsibility for creating civilized life itself, were among the most important things that Eusebius bequeathed to the middle ages. . . . He gave the middle ages a positive vision of what humans could do to create civilization out of savagery."<sup>40</sup> This is cer-

<sup>40</sup> Glenn F. Chesnut, "Eusebius: The History of Salvation from the Garden of Eden to the Rise of the Roman Empire," in *The Christian and Judaic Invention of History*, ed. Jacob Neusner (Atlanta, 1990), 77–101 (at 101).

tainly a book one would expect to find on the shelf of anyone concerned with the writing of history in the Middle Ages.

But unfortunately for the present case, this is not the direction in which the evidence takes us. If the Eusebius/Rufinus *Historia* was known elsewhere in medieval Iceland or Norway, its influence is difficult to detect before the thirteenth century, and even after that point it appears not to have been widely known. The earliest explicit mention of Eusebius by any Scandinavian author is a cryptic reference by the Norwegian monk Theodoricus in his *Historia de antiquitate regum Norwagiensium*, a garrulous history of the Norwegian kings from Haraldr hárfagri Hálfðanarson to Sigurðr Jórsalafari Magnússon composed about 1180. Chapter 20 consists of an attempt to date the martyrdom of St Óláfr at the battle of Stiklarstaðir (29 July 1030) by interpreting this event as a pivotal moment in sacred history, a familiar strategy among Christian historiographers which leads Theodoricus to digress from his rehearsal of Norwegian politics to review schemes of Christian chronology formulated by authorities such as Isidore, Bede, and Jerome. In the process, Theodoricus attributes an unusual calculation of the period of time from Creation to the birth of Christ to "Eusebius Cæsariensis episcopus, primus omnium quorum ad nos scripta pervenerunt."<sup>41</sup> The naming of Eusebius is unmistakable here, but there remains the question of whether Theodoricus had actually read Eusebius in the first place. In the introduction and notes to his 1880 edition of Theodoricus's *Historia*, Gustav Storm ventured the opinion that Theodoricus must have taken this information from another source since he could not possibly have known Eusebius first-hand.<sup>42</sup> But in a 1939 monograph on the intellectual backgrounds of Theodoricus's *Historia*, Arne Odd Johnsen contended that Theodoricus probably did know Eusebius's work since he had studied at the monastery of St. Victor's in Paris, where he would have had access to the great Victorine library, which did in fact own multiple copies of the Eusebius/Rufinus *Historia*.<sup>43</sup> The difficulty with both arguments is that the figure Theodoricus cites, 3971 years, appears nowhere in Eusebius's *Historia ecclesiastica*, nor in his *Chronicon*, where one might expect to find it, and this

<sup>41</sup> Theodoricus, *Historia de antiquitate regum Norwagiensium* 20 (ed. Gustav Storm, *Monumenta historica norvegiæ: Latinske kildeskrifter til Norges historie i middelalderen*, Norske historiske kildeskrift-fond 14 [Christiania, 1880; rpt. Oslo, 1973], 3–68 [at 42.17–23]).

<sup>42</sup> Storm, *Monumenta historica norvegiæ*, 42, note to line 18: "Disse Ord er sikkerlig udskrevne fra en ældre Forfatter, thi Thj. har ikke kunnet benytte Eusebius"; see also p. ix.

<sup>43</sup> Arne Odd Johnsen, *Om Theodricus og hans "Historia de antiquitate regum Norwagiensium,"* Avhandlinger utgitt av Det Norske Videnskaps-Akademi i Oslo II, Hist.-filos. Klasse 1939, no. 3 (Oslo, 1939), 39–42, 60.

number cannot be traced to any of Eusebius's extant writings.<sup>44</sup> As with a number of other passages in the *Historia* where Theodoricus grossly misrepresents a classical or patristic author, it appears that this is a detail which he either invented on his own or retrieved imperfectly from memory rather than copying it directly from a source before him.<sup>45</sup> All we know for certain is that Theodoricus knew Eusebius by name.

Theodoricus thus yields little in the way of hard evidence, but a more reliable witness turns up in the form of a direct borrowing from Eusebius/Rufinus in the anonymous *Jóns saga postola I*, a work of the mid-thirteenth century that is roughly contemporary with *Gyðinga saga*. The opening chapters of this work draw on a variety of sources for information about the life of the apostle John, including the Pseudo-Abdias *Historia apostolica*, Gregory the Great's thirtieth Gospel homily, and Pseudo-Mellitus's *Passio sancti Johannis evangelistae*.<sup>46</sup> Chapter 9 relates a story about the conversion of a young criminal by the apostle John after his return from Patmos to Ephesus, a story taken ultimately from Clement of Alexandria. The saga explains that an unnamed youth who had been baptized and tutored by the Bishop of Ephesus conducted a devout and honorable life until he was led astray by a band of thieves and murderers who eventually made him their leader. Once the apostle John learned of the youth's crimes, he confronted him and encouraged him to repent. The youth at length accedes to John's request and is baptized a second time by his own tears of repentance. In telling this story, the Icelandic translator acknowl-

<sup>44</sup> In his *Chronicon* (rather than his *Historia ecclesiastica*) Eusebius dates Christ's birth to 5228 years after Adam (*Die Chronik*, ed. and trans. Josef Karst [=Eusebius Werke 5], Die griechischen christlichen Schriftsteller 20 [Leipzig, 1911], 62.2-3). The pseudo-Eusebian figure of 3971 years parallels no such calculation of which I am aware. For the dates most commonly assigned to this interval by medieval chronographers, see Hildegard L. C. Tristram, *Sex aetates mundi: Die Weltzeitalter bei den Angelsachsen und den Iren. Untersuchungen und Texte*, Anglistische Forschungen 165 (Heidelberg, 1985).

<sup>45</sup> Elsewhere Theodoricus falsely attributes material to Ovid, Sallust, Lucan, and Jerome, all of whom he seems *not* to have known first-hand. As Jens S. Th. Hanssen observes, "We often meet with inaccurate and incorrect quotations in Th[eodoricus]. Sometimes he also gives a false source" ("Theodoricus Monachus and European Literature," *Symbolae Osloenses* 27 [1949]: 70-127, esp. 84-88 [quot. at 84]). On Theodoricus's habits of misquoting and misattribution, see Hanssen, "Observations on Theodoricus Monachus and His History of the Old Norwegian Kings, from the End of the XII. Sec.," *Symbolae Osloenses* 24 (1945): 164-80 (at 168-71); and Sverre Bagge, "Theodoricus Monachus—Clerical Historiography in Twelfth-Century Norway," *Scandinavian Journal of History* 14 (1989): 113-33, esp. 115. The debates over Theodoricus's sources are elegantly summarized by Andersson, "Kings' Sagas (*Konungasögur*)," 201-11.

<sup>46</sup> See Ian J. Kirby, *Biblical Quotation in Old Icelandic—Norwegian Religious Literature*, 2 vols., Stofnun Arna Magnússonar á Íslandi 9-10 (Reykjavík, 1976-80), 2:28.

edges that he has taken it from “sa er Eusebius heitir, i bok þeiri, er kolluð er *Ecclesiastica Historia*.”<sup>47</sup>

Apart from this single literary adaptation, the only other clues to the work's currency in Scandinavian libraries can be gleaned from a single surviving manuscript fragment and from the title's appearance in a late medieval book-list. Selections from Eusebius's *Historia ecclesiastica* 5.22, 24–26 “interpretate Ruffino” in a hand of about 1300 are inserted into the late Icelandic manuscript known as Þingeyrabók (Reykjavík, Stofnun Árna Magnússonar [AM] 279a 4°), fols. 10v–11r.<sup>48</sup> And a two-volume “ecclesiastica hystoria” (“a tueymr bokum”), possibly but not certainly that of Eusebius/Rufinus, is cited in the 1396 inventory of the library at Hólastaðr.<sup>49</sup>

<sup>47</sup> *Jóns saga postola I*, ed. C. R. Unger, *Postola sögur. Legendariske fortællinger om apostolernes liv deres kamp for kristendommens udbredelse samt deres martyrdød* (Christiania, 1874), 427.24–25. Compare the first redaction of the saga (ed. Unger, 427–30) with Eusebius/Rufinus, *Historia ecclesiastica* 3.23 (ed. Schwartz and Mommsen, 1:237–45). On the sources of *Jóns saga postola I*, see Kirby, *Biblical Quotation* 2:28. To my knowledge, the only other reference to a *Historia ecclesiastica* anywhere in Old Norse-Icelandic literature is an instance of false attribution. The opening two paragraphs of Bergr Sökkason's *Nikolaus saga erkibyskups II*, a life of St Nicholas of Myra written ca. 1317×1322 while Bergr was a monk at Þingeyrar, before he was installed as prior of Munkaþverá, relate the evangelical career of Pope Boniface IV, the seventh-century saint who convinced Emperor Phocas to convert the Roman Pantheon into a church dedicated to the Virgin Mary. Bergr claims he encountered the story of Pope Boniface “in *Ecclesiastica Historia*,” but the story in fact derives from the *Liber pontificalis*. Compare *Nikolaus saga erkibyskups II* 1–2 (ed. C. R. Unger, *Heilagra manna sögur: Fortællinger og legender om hellige mænd og kvinder*, 2 vols. [Christiania, 1877], 2:53–54 [quot. at 53.27]) with *Le Liber Pontificalis: Texte, introduction et commentaire*, ed. L. Duchesne, 2d ed., 3 vols. (Paris, 1955–57), 1:317–18 (no. 69). This source does not seem to have been identified before; cf. Paul Lehmann, “Skandinaviens Anteil an der lateinischen Literatur und Wissenschaft des Mittelalters,” in his *Erforschung des Mittelalters: Ausgewählte Abhandlungen und Aufsätze*, 5 vols. (Stuttgart, 1959–62), 5:275–429 (at 363); Kirby, *Biblical Quotation* 2:46–47 (no. 2.3.2). On the date and sources of *Nikolaus saga erkibyskups II*, see G. Turville-Petre, “Legends of England in Icelandic Manuscripts,” in *The Anglo-Saxons: Studies in Some Aspects of Their History and Culture Presented to Bruce Dickins*, ed. Peter Clemoes (London, 1959), 104–21 (at 118); and Sverrir Tómasson, “Icelandic Lives of St Nicholas,” in *Helgastaðabók. Nikulás saga: Perg. 4to nr. 16, Konungsbókhöldu i Stokkhólmi*, ed. Selma Jónsdóttir, Stéfan Karlsson, and Sverrir Tómasson, Íslensk miðaldahandrit / Manuscripta Islandica Medii Aevi 2 (Reykjavík, 1982), 147–76 (at 161–76).

<sup>48</sup> Kr. Kålund, *Katalog over Den Arnemagnæanske Håndskriftsamling*, 2 vols. (Copenhagen, 1888–94), 1:531 (no. 1011, art. 6). A later copy of this fragment survives in a seventeenth-century paper manuscript, Reykjavík, AM 910 4°: *ibid.* 2:256 (no. 2042, art. 2).

<sup>49</sup> *Diplomatarium Islandicum. Íslenzkt fornbréfasafn*, 16 vols. (Copenhagen and Reykjavík, 1857–1972), 3:612. Cf. Emil Olmer, *Boksamlingar på Island 1179–1490: Enligt diplom*, Göteborgs Högskolas Årsskrift 8 (Göteborg, 1902), 17 (no. 68); and Guðbrand Jónsson, “Bækur Hólaakirkju,” in *Dómkirkjan á Hólum i Hjaltadal: Lýsing íslenzkra miðaldakirkna*, Safn til sögu Íslands 5.6 (Reykjavík, 1919–29), 413. A single volume of the

Together, this handful of quotations, adaptations, and citations suggests that the Eusebius/Rufinus *Historia* had a surprisingly limited circulation in Iceland and Norway during the twelfth and thirteenth centuries, appearing first in western Norway at whatever monastic institution was responsible for producing the Old Norwegian Homily Book, then afterwards in Iceland by the mid-thirteenth century, when *Jóns saga postola I* was compiled. If, as Wolf has suggested, Brandr Jónsson wrote *Gyðinga saga* in Norway rather than Iceland while he was at Niðaróss during the winter of 1262–63 waiting to be consecrated as bishop,<sup>50</sup> then the sources he employed may have been provided for him in Norway, and it is just possible that the copy of Eusebius/Rufinus which he consulted was in some way related to the one used by the author of the Old Norwegian Epiphany homily, perhaps even the same copy. But this is clearly speculation, and about all one can say for sure is that however they gained access to it, both authors shared an uncanny interest in the same story about Herod embedded in book 1, chapters 6 and 7 of the Eusebius/Rufinus *Historia*.

From a larger European perspective, it is worth observing that the number and distribution of these quotations and allusions in Scandinavian sources is far more restricted than what one might expect given the nearly ubiquitous presence of copies of the Eusebius/Rufinus *Historia* in libraries across the rest of medieval Europe, from Italy to Spain to northern Germany, including many of the centers that shared active intellectual commerce with Iceland and Norway.<sup>51</sup> In Britain and Ireland, for instance, the Eusebius/Rufinus *Historia* was

works of Eusebius ("Tomus primus omnium operum Eusebij") is listed in the inventory of books in the possession of the Cathedral library at Niðaróss ca. 1550×1560: *Diplomatarium Norvegicum*, 22 vols. (Christiania, 1847–1976; rpt. Oslo, 1992), 12:825. A "Tomus tertius Epistolarum Eusebij" also appears in the same list, which raises the intriguing possibility that there was at one time a complete set (or at least a multivolume set) of the works of Eusebius at Niðaróss. On the significance of the mention of Eusebius in this booklist, see Osc. Alb. Johnsen, "Norske geistliges og kirkelige institutioners bogsamlinger i den senere middelalder," in *Sproglige og historiske afhandlinger viede Sophus Bugges minde* (Christiania, 1908), 73–96 (at 90–93).

<sup>50</sup> Kirsten Wolf, "Gyðinga saga," in *Medieval Scandinavia: An Encyclopedia*, 254; and *Gyðinga saga*, ed. Wolf, lxxxvii.

<sup>51</sup> On the transmission of the Eusebius/Rufinus *Historia* in Western Latin manuscripts from the sixth through the eleventh centuries, see Albert Siegmund, *Die Überlieferung der griechischen christlichen Literatur in der lateinischen Kirche bis zum zwölften Jahrhundert*, Abhandlungen der Bayerischen Benediktiner-Akademie 5 (Munich, 1949), 73–79; and Caroline P. Hammond Bammel, "Das neue Rufinfragment in irischer Schrift und die Überlieferung der Rufin'schen Übersetzung der Kirchengeschichte Eusebs," in *Philologia Sacra: Biblische und patristische Studien für Hermann J. Frede und Walter Thiele zu ihrem siebzigsten Geburtstag*, ed. Roger Gryson, 2 vols., Aus der Geschichte der lateinischen Bibel 24 (Freiburg, 1993), 2:483–513. Mommsen, "Einleitung zu Rufin," in *Die Kirchengeschichte* 3:ccli–cclxviii, lists ninety-two manuscripts of the fifteenth century and earlier.

known as early as the sixth century, when it was consulted by Gildas and the author of the Pseudo-Anatolius *De ratione Paschali*.<sup>52</sup> In succeeding centuries it was actively studied in England by Aldhelm, Alcuin, and Bede, whose own *Historia ecclesiastica* was consciously patterned after and even named for the Eusebius/Rufinus *Historia*, which Bede must have kept fresh in his mind as he attempted his own historical definition of a particular Christian community.<sup>53</sup> The great efflorescence of manuscript production that accompanied the Carolingian renaissance stimulated a sharp increase in the circulation of copies in the British Isles<sup>54</sup> and the territories now occupied by France<sup>55</sup> and Germany,<sup>56</sup>

<sup>52</sup> On Gildas, see François Kerlouégan, *Le De Excidio Britanniae de Gildas. Les destins de la culture latine dans l'Île de Bretagne au VI<sup>e</sup> siècle* (Paris, 1987), 75–81. On Pseudo-Anatolius, see Bruno Krusch, *Studien zur christlich-mittelalterlichen Chronologie: Der 84-jährige Ostercyclus und seine Quellen* (Leipzig, 1880), 316–27.

<sup>53</sup> On Bede, see R. A. Markus, *Bede and the Tradition of Ecclesiastical Historiography*, Jarroo Lecture 1975 (Jarroo, 1975); and M. L. W. Laistner, "The Library of the Venerable Bede," in *The Intellectual Heritage of the Early Middle Ages: Selected Essays*, ed. Chester G. Star (Ithaca, 1957), 117–49 (at 125, 149). On the general currency of Eusebius/Rufinus in Anglo-Saxon England, see J. D. A. Ogilvy, *Books Known to the English, 597–1066*, Mediaeval Academy of America Publication no. 76 (Cambridge, Mass., 1967), 237; Michael Lapidge, "Surviving Booklists from Anglo-Saxon England," in *Learning and Literature in Anglo-Saxon England: Studies Presented to Peter Clemoes on the Occasion of His Sixty-Fifth Birthday*, ed. Michael Lapidge and Helmut Gneuss (Cambridge, 1985), 33–89 (at 71, 73, 77, 79); R. M. Thomson, "The Library of Bury St Edmunds Abbey in the Eleventh and Twelfth Centuries," *Speculum* 47 (1972): 617–45 (at 628); and R. Sharpe, J. P. Carley, R. M. Thomson, and A. G. Watson, eds., *English Benedictine Libraries: The Shorter Catalogues*, Corpus of British Medieval Library Catalogues 4 (London, 1996), nos. B10.24, B13.239, B24.76, B55.15b, B58.6a, B68.202, B71.80, B77.55, B79.96, B105.85, B109.18, B115.48. Manuscripts of Eusebius/Rufinus from the twelfth century and earlier now in British libraries (though not necessarily of British origin) are inventoried by Heinrich Schenkl, *Bibliotheca Patrum Latinorum Britannica* (Vienna, 1891–1908), nos. 1012, 1336, 2491A, 2589, 3595, 3731, 4350, 4894; cf. Mommsen, "Einleitung zu Rufin," cclvii. The Anglo-Saxon glosses to Eusebius/Rufinus preserved in several manuscripts of the Leiden family of glossaries may also indicate that the *Historia ecclesiastica* was a standard textbook in the late-seventh and early eighth-century school of Theodore and Hadrian at Canterbury: Michael Lapidge, "The School of Theodore and Hadrian," in his *Anglo-Latin Literature 600–899* (London and Rio Grande, 1996), 141–68 (at 150, 151, 153, 156, 157).

<sup>54</sup> See Aidan Breen, "A New Irish Fragment of the *Continuatio* to Rufinus–Eusebius *Historia Ecclesiastica*," *Scriptorium* 41 (1987): 185–204; and Hammond Bammel, "Das neue Rufinfragment in irischer Schrift."

<sup>55</sup> On the presence and manufacture of copies of Eusebius/Rufinus in French libraries and scriptoria through the twelfth century, see Gustav Becker, *Catalogi bibliothecarum antiqui* (Bonn, 1885), 15, 28, 262; Joan Evans, *Monastic Life at Cluny 910–1157* (London, 1931), 100–101; Émile Lesne, *Histoire de la propriété ecclésiastique en France. Tome IV: Les livres, "scriptoria" et bibliothèques du commencement du VIII<sup>e</sup> à la fin du XI<sup>e</sup> siècle*, Mémoires et travaux publiés par des professeurs des Facultés Catholiques de Lille, fasc. 46 (Lille, 1938), 194, 256, 267, 358, 506, 511, 530, 536, 547, 549, 554, 567–68, 579, 586–87,

with the result that by the twelfth century the libraries in these regions that did not possess a copy were in the minority.<sup>57</sup> The contribution of Eusebius/Rufinus to the writing of medieval history can also be measured in part through its

589, 596, 603, 620, 625, 627, 637, 649, 653, 656, 669, 677, 679, 681–82, 689, 704, 716, 718, 732, 754, 761, 775; Theodor Gottlieb, *Über mittelalterliche Bibliotheken* (Leipzig, 1890; rpt. Graz, 1955), 289 (no. 190); Geneviève Nortier, *Les bibliothèques médiévales des abbayes bénédictines de Normandie*, 2d ed. (Paris, 1971), 87, 209; and Jean Dufour, *La bibliothèque et le scriptorium de Moissac* (Geneva and Paris, 1972), 141–42 (no. 90). A list of popes extracted from Eusebius/Rufinus is preserved in Leiden, Bibliotheek der Rijksuniversiteit Voss. lat. Q. 12, fol. 72v (France, possibly at or near Tours, s. IX); see K. A. de Meyier, *Codices Vossiani Latini. Pars II: Codices in Quarto*, Bibliotheca Universitatis Leidensis, Codices manuscripti 14 (Leiden, 1975), 34. Other witnesses include Amsterdam, Universiteits Bibliotheek VI. E. 11 (northern France, s. IX or X), described by M. B. Mendes da Costa, *Bibliotheek der Universiteit, Catalogus der Handschriften. II. De Handschriften der Stedelijke Bibliotheek met de Latere Aanwinsten* (Amsterdam, 1902), 21; The Hague, Koninklijke Bibliotheek 10 B 6 (France, s. X), described by P. J. H. Vermeeren and A. F. Dekker, *Koninklijke Bibliotheek. Inventaris van de Handschriften van het Museum Meermanno-Westreenianum* (The Hague, 1960), 55; and Copenhagen, Det kongelige Biblioteket Gl. kgl. Saml. 162 2° (France, s. XII), described by Ellen Jørgensen, *Catalogus Codicum Latinorum Medii Aevi Bibliothecae Regiae Hafniensis* (Copenhagen, 1926), 35.

<sup>56</sup> Copies of Eusebius/Rufinus at ninth-century Reichenau and St Gallen, at tenth-century Lorsch, and at twelfth-century Corbie are signaled by Becker, *Catalogi bibliothecarum antiqui*, 7, 47, 83, 120, 188, 282. Others: Emil Steffenhagen and August Wetzell, *Die Klosterbibliothek zu Bordesholm und die Gottorfer Bibliothek: Drei bibliographische Untersuchungen* (Kiel, 1884), 90, 95, 136; Paul Lehmann et al., *Mittelalterliche Bibliothekskataloge Deutschlands und der Schweiz*, 4 vols. (Munich, 1918–79), 1:76, 246, 409, 2:91, 181, 188, 223, 242, 277, 278, 517, 3:70, 76, 141, 182, 183, 212, 277, 283, 343, 362, 363, 376, 485, 520, 530, 838; Bernhard Bischoff, *Die südostdeutschen Schreibschulen und Bibliotheken in der Karolingerzeit. Teil I: Die bayrischen Diözesen*, Sammlung bibliothekswissenschaftlicher Arbeiten 49 (Leipzig, 1940), 36, 47, 147–48; Gottlieb, *Über mittelalterliche Bibliotheken*, 289; Hans Butzmann, *Die Weißenburger Handschriften*, Kataloge der Herzog-August-Bibliothek Wolfenbüttel, Die neue Reihe, 10 (Frankfurt am Main, 1964), 203; Wolfgang Milde, *Der Bibliothekskatalog des Klosters Murbach aus dem 9. Jahrhundert*, Beihefte zum Euphorion 4 (Heidelberg, 1968), 47 (no. 274); Bernhard Bischoff, *Lorsch im Spiegel seiner Handschriften*, Münchener Beiträge zur Mediävistik und Renaissance-Forschung, Beiheft (Munich, 1974), 23, 114, and Tafel 6; Ladislaus Buzás, *Deutsche Bibliotheksgeschichte des Mittelalters*, Elemente des Buch- und Bibliothekswesens 1 (Wiesbaden, 1975), 46; Otto Mazal, "Die Salzburger Domkapitelbibliothek vom 10. bis zum 12. Jahrhundert," in *Paläographie 1981: Colloquium des Comité International de Paléographie München, 15.–18. September 1981 Referate*, ed. Gabriel Silagi, Münchener Beiträge zur Mediävistik und Renaissance-Forschung 32 (Munich, 1982), 71–91 (at 80); McKitterick, "Audience for Latin Historiography," 106, 112. For a copy in a 1519 booklist from Slesvig, see Jørgensen, "Studier over danske middelalderlige Bogsamlinger," 30.

<sup>57</sup> Additional patterns of transmission can also be documented for medieval Spain; see Manuel C. Díaz y Díaz, "La trasmisión de los textos antiguos en la península ibérica en los siglos VII–XI," in *La cultura antica nell'occidente latino dal VII all' XI secolo*, 2 vols., Settimane di studio del Centro italiano di studi sull'alto medioevo 22 (Spoleto, 1975), 1:133–75 (at 136, 152, 160).



use in works such as Gregory of Tours's *Historia Francorum* and Freulf's ninth-century *Chronicle*, which look to Eusebius/Rufinus as an important source of information about the early Church and as a model for the historiographical method.<sup>58</sup> The general picture that emerges on the Continent and in the British Isles is that long before the Old Norwegian Homily Book was written in the early twelfth century, the Eusebius/Rufinus *Historia* had become established as a work of seminal importance for the study of Christian history and was an assumed component of most European libraries. By comparison, the meager evidence for its reception in Scandinavian territories suggests that it was not well known to Norse historiographers and indeed that the Norwegian homilist and Brandr Jónsson are remarkable in showing any contact with it at all.

This does not leave us with a very satisfying answer to the question of how these two authors acquired their sources, but the coincidental use of the Herod anecdote by the Norwegian homilist and Brandr Jónsson proves revealing nonetheless by underscoring the scarcity of the Eusebius/Rufinus *Historia* in medieval Scandinavia (and thus the unusual extent of both authors' reading) and by emphasizing a basic similarity in the way these two authors approach their task. In spite of their very different subject matter, both the Norwegian homily and *Gyðinga saga* are compilations based on multiple Latin texts, the first assembled mainly from homilies and sermons, the second from histories, although each recasts its sources into an utterly new form. In producing these compilations, both authors exemplify the traditional medieval understanding of a compiler as one who doesn't simply reproduce a set of prior texts uncritically but who invests them with a new meaning and identity by reordering them and bringing them into a fresh dialogue with one another. Compilation was an essential activity of medieval authorship and is even implicated in the medieval etymology of the word *auctor*. Isidore took *auctor* to be a noun derived from the verb *augeo*, to increase or expand.<sup>59</sup> Thus an author can be understood as a writer who adds to other texts, and a compiler is an author who creates new

<sup>58</sup> M. L. W. Laistner, *Thought and Letters in Western Europe A.D. 500 to 900*, rev. ed. (Ithaca, 1957), 131 (on Gregory), 266 (on Freulf). See also Yves-Marie Duval, "Un nouveau lecteur probable de l'*Histoire ecclésiastique* de Rufin d'Aquilée: L'auteur du *Liber promissionum et praedictorum Dei*," *Latomus* 26 (1967): 762–77 (on Quodvultdeus of Carthage); and Phillip Wynn, "Rufinus of Aquileia's *Ecclesiastical History* and Victor of Vita's *History of the Vandal Persecution*," *Classica et mediaevalia* 41 (1990): 187–98.

<sup>59</sup> Isidore, *Etymologiae* 10.2 (ed. W. M. Lindsay, *Isidori Hispalensis episcopi Etymologiarum sive Originum libri XX* [Oxford, 1911]); cf. A. J. Minnis, *Medieval Theory of Authorship: Scholastic Literary Attitudes in the Later Middle Ages* (London, 1984), 10 and notes on 219–20.

texts by judiciously rearranging and adding to others.<sup>60</sup> The Norwegian homilist and Brandr Jónsson do precisely this in Old Norse, but neither produces something we would call a translation. Instead, both authors' tendency is to paraphrase and embellish their Latin sources rather than translate them word for word. In the passages discussed earlier, the homilist folds his paraphrase of the Herod anecdote into an account of the slaying of the Innocents and a separate paraphrase of the Gospel pericope, whereas Brandr merges his paraphrase of the same episode with a partial paraphrase of Comestor, who is in turn merged with paraphrases of Maccabees and other works. The manipulation of Latin sources by the homilist is so free that the homily rarely follows a single identifiable source for more than a few lines, and in some passages its link to a particular text goes no further than a distinctive echo of an idea or image. Both authors employ material from Eusebius/Rufinus in order to augment narratives of Herod found elsewhere, and in this regard it is worth observing that both approach Eusebius/Rufinus not as a pioneering monument of Christian historiography but as a supplementary resource to be mined for information that cannot be obtained elsewhere. For the Norwegian homilist the Herod anecdote is useful primarily because it helps explain and historicize the Gospel reading, which is really the focus of his attention; for Brandr the same story is necessary because it supplies information that fills out the Herod chapters in Comestor, who is the main voice behind this part of *Gyðinga saga*. If I am right in thinking both authors may have had access to complete copies of their sources rather than just excerpts (though this point is far from settled), this may also tell us something about their working habits since it implies they were able to consult a library of some sort where all the sources would have been available at once. One can easily imagine both authors sitting at a table with four or five books open before them, reading and comparing and drawing selectively from each volume in turn. In fact, it is difficult to think of how a compilation as densely layered as *Gyðinga saga* or the Epiphany homily could have been composed otherwise.

If medieval Scandinavian authors were unusually ambitious readers of history, they were also accomplished students of Latin ecclesiastical literature, and occasionally the two vocations fell together. In the cases of *Gyðinga saga* and the second Old Norwegian Epiphany homily, some aspects of the reception of both kinds of literature are clarified by the story of Herod and the Jewish genealogies, a story ironically about the annihilation of history which momen-

<sup>60</sup> On the medieval author as compiler, see Martin Irvine, *The Making of Textual Culture: "Grammatica" and Literary Theory, 350–1100*, Cambridge Studies in Medieval Literature 19 (Cambridge, 1994), 241–43. Some medieval definitions of *compilatio* are discussed by Neil Hathaway, "Compilatio: From Plagiarism to Compiling," *Viator* 20 (1989): 19–44.

tarly brings these two works together in a common thread of Scandinavian intellectual history.

#### APPENDIX

##### THE SECOND OLD NORWEGIAN EPIPHANY HOMILY: AN ANNOTATED TRANSLATION

Because the Old Norwegian sermons have received little scholarly attention in recent years and are largely inaccessible to modern audiences, I here make available an annotated translation of the homily discussed in the preceding article. The translation is based on the edition by Gustav Indrebø, *Gamal norsk homiliebok. Cod. AM 619 4º*, Norsk historisk kjeldeskriftfondet, Skrifter 54 (Oslo, 1931; rpt. 1966), 61–65. Direct translations from the Bible are indicated by italics, while other sources and echoes are identified in the footnotes. The titles are preserved as they appear in the manuscript, with abbreviations silently expanded. Paragraphing and punctuation are my own.

Of the sources and analogues proposed in the notes to the translation, several come from three sermons that circulated in copies of Paul the Deacon's Homiliary (PD), a collection that was very likely available to the compiler of the Old Norwegian Homily Book: Gregory the Great, *Hom. in Evangelia* 10 (PD I.45); Pseudo-Maximus of Turin, *Hom.* 23 (PD I.48); and Bede, *Hom. Evangelii* I.12 (PD I.58).<sup>61</sup> Only the sermons by Gregory and Bede provide sufficient parallels to the Norwegian homily to be regarded as probable immediate sources, but even then the correspondences extend no more than two or three sentences at a time, and some details could easily have been retrieved through memory and a basic familiarity with the genre. The homilist's reliance on Gregory's *Hom.* 10 is perhaps to be expected since this text, if any, was the single most influential Epiphany homily in the Middle Ages.<sup>62</sup> Two other Epiphany homilies survive in Old Norse (one in the Icelandic Homily Book and one shared by both Homily Books), and both make extensive use of Gregory's *Hom.* 10.<sup>63</sup> Translations of Gregory's Gospel homilies, as a group and indi-

<sup>61</sup> Grégoire, *Homéliaires liturgiques médiévaux*, 438–40. The sermons by Gregory and Pseudo-Maximus are included as readings for Epiphany, the one by Bede for the octave of Epiphany. That the Homily Book is in some way indebted to PD is assumed by Ian J. Kirby, "Christian Prose. 2. West Norse," in *Medieval Scandinavia: An Encyclopedia*, 79, and "Early Cultural Links between Great Britain and Scandinavia," *Études de Lettres*, 3d ser., 6 (1973): 21–37 (at 27), and by Hjelde, *Norsk preken*, 85–86. The precise connections, however, remain to be demonstrated. On the use of PD sermons by two medieval Icelandic authors, see David McDougall, "'Pseudo-Augustinian' Passages in 'Jóns Saga Baptista 2' and the 'Fourth Grammatical Treatise,'" *Traditio* 44 (1988): 463–83.

<sup>62</sup> On this homily's influence on later medieval literature, Latin and vernacular, see R. E. Kaske, "The Speech of 'Book' in *Piers Plowman*," *Anglia* 77 (1959): 117–44 (at 119–20).

<sup>63</sup> Hjelde, *Norsk preken*, 193–94; De Leeuw Van Weenen, ed., *The Icelandic Homily Book*, 9, 11.

vidually, also make up a significant portion of the corpus of Old Norse sermons.<sup>64</sup> The Bede homily, meanwhile, survives in a fragmentary Old Norse translation from the early thirteenth century, a period within about a generation after the compilation of the Old Norwegian Homily Book.<sup>65</sup>

Two additional sermons that provide significant points of contact with the Norwegian homily are Pseudo-Augustine, *Sermo* 136 (=Pseudo-Maximus, *Sermo* 22) and, to a lesser extent, Haymo of Auxerre, *Hom.* 15. Neither was included in the original PD, but the first was transmitted in a number of important medieval collections including the Homiliary of Toledo and the ninth-century Homiliary of Ottobeuren,<sup>66</sup> while the second was of course included in Haymo's own Homiliary.<sup>67</sup> Very little is known about the production and circulation of Latin homiliaries in medieval Scandinavia, and the circumstances under which one might have encountered a particular sermon are difficult to recover, but both of these sermons have been identified as sources or close analogues for other Old Norse sermons and are therefore plausible candidates for the Norwegian homilist's reading list.<sup>68</sup> A sixth probable source, though one that is difficult to argue strongly for since it accounts for only seven lines of the Norwegian text (at Indrebø, *Gamal norsk homilieboek*, 62.24–31) corresponding to two sentences of Latin, is Honorius Augustodunensis's *Speculum ecclesiae*. If Honorius's *Speculum* was indeed one of the homilist's sources, it helps establish a date for the homily by providing a *terminus post quem* of ca. 1110.<sup>69</sup>

<sup>64</sup> Translations of one or more of Gregory's *Homiliae XL in Evangelia* survive in seven Old Norse manuscripts, at least four of which are believed to be based on a lost Icelandic translation of all forty homilies made before 1150: see Didrik Arup Seip's Introduction to *The Arna-Magnæan Manuscript 677, 4to. Pseudo-Cyprian Fragments, Prosper's Epigrams, Gregory's Homilies and Dialogues*, Corpus Codicum Islandicorum Medii Aevi 18 (Copenhagen, 1949), 24–34; and Hjelde, *Norsk preken*, 93. Gregory's homilies are also cited in medieval booklists from Bergen (1314), Vellir (1318), Hjarðarholt (1355), and Möðruvallaklaustr (1461): see Gustav Storm, "Den Bergenske Biskop Arnes Bibliothek," [*Norsk*] *Historisk Tidsskrift*, ser. 2, 2 (1880): 185–92 (at 186, 188); Olmer, *Boksamlingar på Island*, 46 (no. 221); Seip, *The Arna-Magnæan Manuscript 677, 4to*, 32; and Eiríkur Þormóðsson, "Bókæign Möðruvallaklausturs 1461," *Mimir* 12 (1968): 18–20 (at 19). For later Icelandic copies, see Kristján Eldjárn and Hörður Ágústsson, *Skálholt: Skríði og áhöld* (Reykjavík, 1992), 292, 293, 294, 296, 310.

<sup>65</sup> Copenhagen, Det Arnemagnæanske Institut AM 655 I 4° (ca. 1225–50) is a single leaf containing a fragmentary Icelandic copy of a Norwegian translation of Bede's Epiphany homily. The fragment is edited by Konráð Gíslason, *Um frum-parta islenzkrar túngu í fornöld* (Copenhagen, 1864), LXVII–LXIX; see Kirby, *Biblical Quotation* 2:93 (no. 2.23).

<sup>66</sup> Grégoire, *Homélieaires liturgiques médiévaux*, 315, 327. On the sermon's transmission and textual affiliations, see J. Machielsen, *Clavis patristica pseudepigraphorum medii aevi I. Opera homiletica*, 2 vols. (Turnhout, 1990), nos. 921, 4714.

<sup>67</sup> Henri Barré, *Les homélieaires carolingiens de l'école d'Auxerre*, Studi e testi 225 (Vatican City, 1962), 149.

<sup>68</sup> Hjelde, *Norsk preken*, 183, 189, 190, 191, 192; De Leeuw Van Weenen, ed., *The Icelandic Homily Book*, 11.

<sup>69</sup> On the date, see p. 185 and n. 36 above. While Honorius's *Gemma animae*, *Origo mundi*, and *Elucidarium* were all certainly known in Iceland and Norway during the twelfth

Aside from the anecdote about Herod's burning of the Jewish genealogies, the homily's contents are fully typical of an early medieval Epiphany homily and might even be termed commonplace. The threefold commemoration of the Nativity, the Baptism, and the miracle at Cana as the three principal manifestations of Christ's divinity is a standard topos in western Epiphany literature from the fifth century on.<sup>70</sup> Other details in the homily are so common that they would have been familiar to anyone accustomed to celebrating the feast. Even the loose paraphrase of the pericope shows that the homilist's style of translation was relaxed, with a tendency to avoid following any single source too closely. The homilist nevertheless demonstrates a profound respect for the themes appropriate for the feast, and while his handling of source material suggests a modest degree of creativity, his observance of traditional themes is strikingly conservative.

In theory, then, the contents of the Norwegian homily could have been acquired most economically through a basic familiarity with the themes appropriate for Epiphany and through a selective reading from three books: the Eusebius/Rufinus *Historia ecclesiastica*, Honorius's *Speculum ecclesiae*, and an augmented version of Paul the Deacon's Homiliary which included Pseudo-Augustine *Sermo* 136 and Haymo's *Hom.* 15. But further research into the transmission of Latin sermon literature in medieval Scandinavia and into the compositional methods of individual Old Norse sermons is sure to qualify this conjectural reconstruction of the homilist's working library.

and thirteenth centuries, the evidence for knowledge of his *Speculum ecclesiae* is much slighter. In his Introduction to the facsimile volume *Gammelnorsk homiliebok*, Corpus Codicum Norvegicorum Medii Aevi 1 (Oslo, 1952), 24–25, 37, Didrik Arup Seip identifies Honorius's *Speculum* as a source for the Old Norwegian homilies on the Exaltation and Invention of the Cross (see also Hjelde, *Norsk preken*, 315–25, 341–46). Erik Gunnes cites the *Speculum* for parallels to passages in the homilies for Ash Wednesday and Ascension (*Gammelnorsk homiliebok*, trans. Salvesen, 171, 173–74) and elsewhere states that “det er særlig stoff fra denne samlingen [the *Speculum ecclesiae*] vi ofte synes å gjenfinne i Homilieboken” (15); cf. Hjelde, *Norsk preken*, 228, 230, 273–80. But these connections are for the most part rather slim, and I am unaware of any more direct ties to Old Norse literature.

<sup>70</sup> See H. Leclercq, “Épiphanie,” *Dictionnaire d'archéologie chrétienne et de liturgie*, 15 vols. in 30 (Paris, 1907–53), 5.1:197–201 (at col. 201); Joseph Lemarié, *La manifestation du Seigneur: La liturgie de Noël et de l'Épiphanie*, Lex orandi 23 (Paris, 1957), 46, 48–49, 239–424; and Thomas J. Talley, *The Origins of the Liturgical Year*, 2d ed. (Collegeville, Minn., 1986), 146. Bernard Botte dates the origins of the *tria miracula* to the late fourth century in *Les origines de la Noël et de l'Épiphanie*, Textes et études liturgiques 1 (Louvain, 1932), 44; Franz Nikolasch traces this *triplex mysterium* to Gnostic theology in “Zur Ursprung des Epiphaniefestes,” *Ephemerides liturgicae* 82 (1968): 393–429. For a succinct statement of the importance of this theme for the liturgy of Epiphany week, see Amalarius of Metz, *Liber officialis* 4.33 (ed. J.-M. Hanssens, *Amalarii episcopi opera liturgica omnia*, Studi e testi 138–40 [Vatican City, 1948–50], 2:509–13). The same threefold commemoration is also celebrated in the first Old Norwegian Epiphany homily, ed. Indrebø, *Samal norsk homiliebok*, 57–61.

## SECUNDUM MATHEUM. JN EPHIPHANIA.

Dear brothers, Matthew the Gospel writer tells how our Lord and redeemer allowed himself to be born in the city known as Bethlehem, and in that city rather than any other, because "Bethlehem" means "house of bread." And he let himself be born in that house of bread because he is *the living bread who came down from heaven* (John 6:51) and who feeds us with the living bread of his sacred body and with the glory of his wholesome blood.<sup>71</sup>

In the days when Christ was born, Herod was king of the Jews, he who was of the nation of the Palestinians. He commanded that all the children in Judaea be killed and intended to kill Christ along with those children. He also had all the books in the temples burned in which the royal high rank of the Jewish people was recorded. And he did that because he wanted other men to think that he was a king of the race of the Jews and to believe that he was preeminently of royal blood. And in this way he wished to mix his kin with their kin.<sup>72</sup>

And during the time that *Herod was king in Judaea, there came kings*<sup>73</sup> who were great prophets to him in *Jerusalem and spoke thus*: "Where is the king of the Jews

<sup>71</sup> The etymology of Bethlehem as *domus panis* was first introduced to the Latin West by Jerome, who employs it in several of his works including *In Hieremiam prophetam* 6.18 (CCL 74:307.20); *In Michaeam* 2.5.2 (CCL 76:482.87); *Ep.* 108 (CSEL 55:316.20); and *Tractatus in Psalmos* 95 (CCL 78:155.165). It is thereafter frequently repeated, e.g. by Chromatius of Aquileia, *Sermo* 32 (CCL 9A:144, l. 35); Gregory the Great, *Hom. in Evangelia* 8 (PL 76:1104A); Haymo, *Hom.* 15 (PL 118:107CD); Remigius of Auxerre, *Hom.* 7 (PL 131:900A); Isidore of Seville, *Etymologiae* 15.1.23 (ed. Lindsay); Paschasius Radbertus, *Expositio in Matheo* 2.1 (CCCM 56:148.1111); Bede, *Hom. Evangelii* 1.6 (CCL 122:40.108); Vercelli Homily 5 (ed. Scragg, *Vercelli Homilies*, 117.118); a Middle High German Epiphany homily, ed. Anton E. Schönbach, *Altdeutsche Predigten*, 3 vols. (Darmstadt, 1964), 2:31.27; and the Old Icelandic sermon *Á Joladag*, ed. De Leeuw Van Weenen, *The Icelandic Homily Book*, 23r18. For other examples, see J.-B. Pitra, *Spicilegium Solesmense*, 4 vols. (Paris, 1852–58), 3:294; Hieronymus Lauretus [Jerónimo Lloret], *Silva allegoriarum totius sacrae scripturae* (Barcelona, 1570; rpt. Munich, 1971), 180; Franz Wutz, *Onomastica sacra: Untersuchungen zum Liber interpretationis nominum hebraicorum des hl. Hieronymus*, 2 vols., Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 41 (Leipzig, 1914–15), 1:557, 2:765, 773, 1019; and *Thesaurus linguae latinae* (Leipzig, 1899–), s.v. "Bethleem."

<sup>72</sup> Cf. Eusebius/Rufinus, *Historia ecclesiastica* 1.6.10 and 1.7.13 (ed. Schwartz and Mommsen, 1:53.6–10 and 61.2–13; quoted above at nn. 18 and 19).

<sup>73</sup> That the magi were kings, a claim nowhere made in the Bible, was first suggested by Tertullian, *Adversus Marcionem* 3.13.8 (CCL 1:525.3–4), who describes them as *fere reges*. More confident is the assertion of Pseudo-Augustine, *Sermo* 139 (PL 39:2018) that "Illi Magi tres reges esse dicuntur." The equation was commonplace by the Carolingian period: see Hugo Kehrer, *Die "heiligen drei Könige" in der Legende und in der deutschen bildenden Kunst bis Albrecht Dürer*, Studien zur deutschen Kunstgeschichte 53 (Strassburg, 1904), 11–16. The importance of this identification for the political symbology of medieval kingship is discussed by Richard C. Trexler, *The Journey of the Magi: Meanings in History of a Christian Story* (Princeton, 1997), 163–70.

*who is newly born? We see his star in the East and have therefore come here with gifts to offer him and to worship him.*"<sup>74</sup> And when Herod heard their account, he became distressed and all the noblest men who were with him. He then decided to gather together all his counselors and asked them where Christ would let himself be born. And they said to him, "In Bethlehem shall he let himself be born, just as the prophet had said: 'Thou, Bethlehem, will not be the least among the chief cities of the land of the Jews, for in you shall let himself be born the leader who shall deliver all Christian folk.' " And then he summoned the kings secretly to him and asked them carefully at what time they had seen the star which they had spoken about. And then he commanded them to go to Bethlehem and spoke thus to them, that they should diligently inquire after the time of the birth of the boy. "And when you have found him, return here and tell me where he is, for I also wish to go there and worship him," but in his own mind he derided them. And after he had spoken with them, they went away. And the star they had seen earlier then traveled before them until it came over the house the boy was in. And when they saw the star stand still, they rejoiced in that greatly. And then they went in and found the boy there with his mother Mary and fell at his feet and worshiped him. And then they offered him the gifts they had brought there with them, gold and incense and myrrh. And afterwards when they departed, an angel of God appeared to them in a dream and told them that they should go back another way and not return to him. And they did just as he commanded them (Matthew 2:1–12).<sup>75</sup>

#### OMELIA

Now you have heard, good brothers, how these kings came with gifts to our Lord and worshiped him, and you have also heard how the angel told them in a dream to go back another way, and they did just as he commanded them. Now we must willingly hear what these gifts signify which the kings brought to him, and likewise what their offerings signify, and that King Herod wished to have God killed. For the kings read in their books what the prophet Balaam had spoken about and prophesied regarding our Lord's advent: "Up shall arise a bright star out of the race of Jacob, and up shall a man rise from the Jewish people (Numbers 24:17) in whose name all peoples will have great hope" (Matthew 12:21).<sup>76</sup>

<sup>74</sup> As pointed out by Hjelde, *Norsk preken*, 196, the Norwegian homilist uses the phrase *biðja fyrir sér* to translate the Latin verb *adorare* three times within his paraphrase of the pericope (at Indrebø, *Gamal norsk homilieboek*, 61.30, 62.8, and 62.14–15).

<sup>75</sup> Matthew 2:1–12 was the standard Gospel pericope for Epiphany in Roman and Carolingian liturgies (as well as in medieval Spanish, Mozarabic, Ambrosian, and some English liturgies) from the ninth century on: see Stephan Beissel, *Entstehung der Perikopen des römischen Meßbuches* (Freiburg im Breisgau, 1907), 108, 112, 171–72; and Ursula Lenker, *Die westsächsische Evangelienversion und die Perikopenordnungen im angelsächsischen England*, Texte und Untersuchungen zur englischen Philologie 20 (Munich, 1997), 66, 301.

<sup>76</sup> Cf. Honorius Augustodunensis, *Speculum ecclesiae*, *De Epiphania Domini* (PL 172:846A): "Cur autem visa stella magi putaverint Dominum in Judaea inquirendum, paucis

And these kings carefully studied the stars and their most excellent nature, for it had been prophesied. And on the first night of Christmastide, the kings saw a star great and bright and unlike all other stars, one that shone like the sun. And from its brightness they understood that it was the star whose advent the prophet Balaam had foretold and prophesied. And with its guidance and brightness they journeyed and sought the King of the Jews in Jerusalem. And that which God instructed the Eastern kings to do physically, he commands us to accomplish spiritually if we wish to observe God's feast properly.<sup>77</sup> The Eastern kings sought God with gifts as soon as they saw his star. So we must also seek him with good works once we see the light of true faith. Herod despaired when he learned of Christ's birth, for the devil grieves when he sees God's strength grow in our hearts. He asked them to tell him if they had found Christ so that he might destroy both them and the boy, for the devil shoots vain thoughts into our minds in the midst of good works so that he may separate us from Christ and Christ from us. A star appeared to the Eastern kings and led them to the Lord when they left their meeting with Herod, for the light of true faith will lead us to God if we cut ourselves off from all works of the devil and from all his will. The kings brought Christ gold and incense and myrrh, as we ought to bring our soul, mind, and body free from sin. Incense denotes the divinity of God, while gold signi-

est vobis verbis dicendum. In libris suis legerant scriptum per prophetam ipsorum Balaam de Christo dictum: *Orietur stella de Jacob et consurget homo potens de Israel.*" More distant echoes include Haymo, *Hom.* 15 (PL 118:109AB); Pseudo-Augustine, *Sermo Caillau-Saint-Yves* 2.38 (PL Suppl. 2:1050); and Ælfric, *Catholic Homily* 1.7 (ed. Peter Clemoes, *Ælfric's Catholic Homilies: The First Series. Text*, EETS, s.s., 17 [Oxford, 1997], 234.89–235.91). That the magi learned of Christ's birth by reading about it "in their books" is an idea traceable ultimately to a group of Jewish Adamic apocrypha which report that a book of prophecy (the *Testament of Adam*) was written by either Seth or Nimrod before the Flood and sealed away in a Cave of Treasures until recovered by the magi—or, according to an alternative tradition, passed down to them from generation to generation. On this legend, see A. F. J. Klijn, *Seth in Jewish, Christian and Gnostic Literature*, Supplements to Novum Testamentum 46 (Leiden, 1977), 53–60. An important counterpart to this tradition was the belief that the magi were lineal descendants of the prophet Balaam, whose prophecy of Christ's birth (Numbers 24:17) was specially known to them: see Haymo, *Hom.* 15 (PL 118:111B); Smaragdus, *In die Theophaniae* (PL 102:72B); Paschasius Radbertus, *Expositio in Matheo* 2.1–2 (CCL 56:149.1133–37); Christian of Stablo, *Expositio in Matthaeum* 2 (PL 106:1281B); a gloss attributed to Frigulus (PL 102:1121C); and Hildebert of Lavardin, *Sermo* 13 (PL 171:402D). On the prominence of this theme in early Irish exegesis, see Anton E. Schönbach, *Über einige Evangelienkommentare des Mittelalters*, Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien, Phil.-hist. Klasse 146/4 (Vienna, 1903), 166–68; and Bernhard Bischoff, "Turning Points in the History of Latin Exegesis in the Early Irish Church: A.D. 650–800," in *Biblical Studies: The Medieval Irish Contribution*, ed. Martin McNamara, Proceedings of the Irish Biblical Association 1 (Dublin, 1976), 74–160 (at 90–93), who refers to additional examples in unpublished Hiberno-Latin commentaries at n. 89.

<sup>77</sup> The spirit of this interpretation is in keeping with Pseudo-Augustine, *Sermo* 136 (PL 39:2014; PL 57:272AB): "Secundum hoc, carissimi, nos quoque personam magorum spiritualibus imitemur obsequiis; tandum enim quaeremus Christum, donec illum invenire mereamur." But Pseudo-Augustine takes off in another direction at this point.



fies the Lord of lords and King of kings; myrrh represents his humanity.<sup>78</sup> Three kings brought him gifts, although one presented all of them, for God alone is Father and Son and Holy Spirit.<sup>79</sup> We bring gold to God if we shine through the beauty of spiritual wisdom. We bring incense to God if we burn our thoughts in the fire of compunction, so that our prayers might make an acceptable sweet smell to God. Myrrh serves to prevent dead bodies from decaying; then do we offer Christ myrrh if we preserve our bodies for chastity.<sup>80</sup>

It was revealed to the Eastern kings that they should not meet with Herod again on their return journey, for it is forbidden to us to return to our sins once we have offered our good deeds to God. We must return to our country by a path other than the one on which we traveled from there, for we traveled away from the bliss of paradise through pride and disobedience and excessive covetousness of visible things, through gluttony and intemperate merriment. But it is necessary for us to return to our native country through humility and obedience and renunciation of the world and through mortification of the flesh and repentance of sins.<sup>81</sup>

Three miracles pertain to the thirteenth day, the day when our Lord Jesus Christ was baptized in the Jordan. And the eighth day is observed apart from the thirteenth day for this reason, because all services are then held on account of baptism, just as

<sup>78</sup> This allegorical interpretation of the three gifts originated with Irenaeus, *Contra haereses* 3.9.2 (PG 7:870B–871A), and Origen, *Contra Celsum* 1.60 (PG 11:772A). It is widely repeated in patristic and medieval commentary, e.g. by Ambrose, *Expositio Evangelii secundum Lucam* 2.44 (CCL 14:50.628–51.629), but it was probably most immediately available to the Norwegian homilist through Gregory, *Hom. in Evangelia* 10.6 (PL 76:1112D–1113C). Other examples include Haymo, *Hom.* 15 (PL 118:114A); Pseudo-Augustine, *Sermo* 136 (PL 39:2014; PL 57:272A); Ælfric, *Catholic Homily* 1.7 (ed. Clemoes, 238.203–10); and the first Old Icelandic Epiphany homily, ed. De Leeuw Van Weenen, *The Icelandic Homily Book*, 28v11–14. See Kehrer, *Die "heiligen drei Könige,"* 31–35.

<sup>79</sup> Pseudo-Augustine, *Sermo* 136 (PL 39:2014; PL 57:272A): "In eo enim quod tria offeruntur, Trinitas intelligitur; in eo vero, quod tres sunt et singuli singula offerunt, in Trinitate unitas declaratur. Per aurum rex ostenditur, Deus in thure dignoscitur, per myrrham quae condiendis est apta corporibus, sepultura crucifigendi hominis praedicatur." Cf. Remigius of Auxerre, *Hom.* 7 (PL 131:906C): "Et sciendum quia isti non singuli singula, sed singuli tria, id est unusquisque eorum obtulit aurum, thus, et myrrham."

<sup>80</sup> Gregory, *Hom. in Evangelia* 10.6 (PL 76:1113BC): "Nato ergo Regi aurum offerimus, si in conspectu illius claritate supernae sapientiae resplendemus. Thus offerimus, si cogitationes carnis per sancta orationum studia in ara cordis incendimus, ut suave aliquid Deo per coeleste desiderium redolere valeamus. Myrrham offerimus, si carnis vitia per abstinentiam mortificamus. Per myrrham namque, ut diximus, agitur ne mortua caro putrefiat." Similar ideas are related by Haymo, *Hom.* 15 (PL 118:114C) and Ivo of Chartres, *Sermo* 10 (PL 162:574BC).

<sup>81</sup> Gregory, *Hom. in Evangelia* 10.7 (PL 76:1113D): "A regione etenim nostra superbiendo, inobediendo, visibilia sequendo, cibum vetitum gustando, discessimus; sed ad eam necesse est, ut flendo, obediendo, visibilia contemnendo, atque appetitum carnis refrenando, redeamus. Per aliam ergo viam ad regionem nostram regredimur, quoniam qui a paradisi gaudiis per dilectamenta discessimus, ad haec per lamenta redeamus." But notice that the Norwegian homilist paraphrases these two sentences in reverse order.

on the thirteenth day with regard to offerings, for there cannot be two divine services on the same day.

When *Jesus* was thirty years old according to the age of men, he came to the Jordan. And John the Baptist baptized him, and John answered and said, "I should be baptized by you, yet you come to me?" Jesus answered him, "Let it be as I wish, for in this way it is fitting for us to fulfill all justice." And when Jesus was baptized, heaven opened above him and the Holy Spirit came over him in the form of a dove, and a voice called out from heaven and said, "This is my Son, who pleases me well; you must obey him" (Matthew 3:13–17).

The reason our Lord Jesus Christ allowed himself to be baptized in water was this, that through his Baptism he might sanctify all waters for our purification.<sup>82</sup> It is fitting that Jesus was baptized in water. *Water extinguishes fire* (Sirach 3:30) and washes off that which is dirty and quenches thirst and shows a reflection. So holy baptism extinguishes the eternal flame and washes the filth of sins off of us and quenches our spiritual thirst with the words of God and reveals an image of God within us.

In the Lord's Baptism the Holy Trinity made itself manifest and the heavens were opened, for the doors of the heavenly kingdom open up when we are baptized in the name of the Holy Trinity.<sup>83</sup> It was fitting that the Holy Spirit revealed itself in the form of a dove, for all those who receive his gift become harmless, just as there is no gall in a dove. A dove injures no living creature, neither with beak nor claws. So do those also who have the Holy Spirit: they harm their neighbors neither in word nor deed. The dove has a moan for a song in her voice just as holy men call to God at all times with all the soreness of their heart in their prayers. A dove raises the young of another as her own, for whoever has the Holy Spirit loves his neighbor as himself

<sup>82</sup> That Christ sanctified all waters through his Baptism is an idea elsewhere expounded by Ambrose, *Expositio Evangelii secundum Lucam* 2.83 on Luke 3:21–22 (CCL 14:67.1124–27), and *De sacramentis* 1.5.15–19 (CSEL 73:22–23); Jerome, *Ep.* 108 (CSEL 55:321.21–23), and *In Matheum* 1 on Matthew 3:13 (CCL 77:19.281–83); Pseudo-Augustine, *Sermo* 136 (PL 39:2013–14; PL 57:269D–271A); Bede, *Hom. Evangelii* 1.12 (CCL 122:81.31–34), *In Matthei Evangelium expositio* 1.3 on Matthew 3:13 (PL 92:17), *In Marci Evangelium expositio* 1 on Mark 1:9 (CCL 120:443.247–61), and *In Lucae Evangelium expositio* 1 on Luke 3:21 (CCL 120:83.2539–44); Otfrid, *Evangelienbuch* 1.26.1–4 (ed. Oskar Erdmann [Halle, 1882; rpt. 1979], 61); Ælfric, *Catholic Homily* II.3 (ed. Malcolm Godden, *Ælfric's Catholic Homilies. The Second Series. Text*, EETS, s.s., 5 [London, 1979], 22.96–97); Vercelli Homily 16 (ed. Scragg, *The Vercelli Homilies*, 268.17–19); and the first Old Norwegian Epiphany homily (ed. Indrebø, *Gamal norsk homiliebok*, 57.31–58.4 and 58.34–59.6). See further Johannes Bornemann, *Die Taufe Christi durch Johannes in der dogmatischen Beurteilung der christlichen Theologen der vier ersten Jahrhunderte* (Leipzig, 1896), 59–85; and Daniel Vigne, *Christ au Jourdain: Le Baptême de Jésus dans la tradition judéo-chrétienne*, *Études bibliques*, n.s., 16 (Paris, 1992), 304–5.

<sup>83</sup> Bede, *Hom. Evangelii* 1.12 (CCL 122:82.79–83): "Et hoc ad impletionem omnis iustitiae pertinet quod baptizato domino aperti sunt ei caeli et spiritus descendit super eum ut hinc nimirum fides nostra confirmetur per mysterium sacri baptismatis aperiri nobis introitum patriae caelestis et sancti spiritus gratiam ministrari."

and helps not only his kinsmen and friends but foreigners and strangers and enemies as well.<sup>84</sup>

That is the third miracle of this feast day, that our Lord on this day made wine from water at a certain banquet and there revealed both his divinity and his humanity. He revealed his humanity in that he went to a wedding, and his divinity in that he changed his form into one other than what it was before.<sup>85</sup> Thus that feast is rightly called a time of revelation,<sup>86</sup> because now are revealed all the things that have just been told.

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<sup>84</sup> This exposition of the commonplace theme of the seven virtues of the dove is an abbreviated version of a standard enumerative exemplum that would have been known to the homilist through several works including Bede, *Hom. Evangelii* I.12 (CCL 122:85.197–86.242); and Haymo, *Hom.* 16 (PL 118:118BC). See also Paschasius Radbertus, *Expositio in Matheo* 3.16 (CCL 56:217.3297–218.3327); Geoffrey Babion, *Sermo* 56 (PL 171:612); Ælfric, *Catholic Homily* II.3 (ed. Godden, 23.153–24.161); the first Old Norwegian Epiphany homily (ed. Indrebø, *Gamal norsk homiliebok*, 59.19–60.20); Alexander Neckam, *De naturis rerum* 1.56 (ed. Thomas Wright, Rolls Series 34 [London, 1863], 106–7); and *The Middle English Physiologus* (ed. Hanneke Wirtjes, EETS, o.s., 299 [Oxford, 1991], 21.585–602). The relation of this theme to medieval traditions of dove imagery and symbolism is discussed at length by Friedrich Ohly, “Probleme der mittelalterlichen Bedeutungsforschung und das Taubenbild des Hugo de Folieto,” in his *Schriften zur mittelalterlichen Bedeutungsforschung* (Darmstadt, 1977), 32–92. See also Wilma George and Brunsdon Yapp, *The Naming of the Beasts: Natural History in the Medieval Bestiary* (London, 1991), 158–59; and *The Medieval Book of Birds. Hugh of Fouilloys Aviarium*, ed. and trans. Willene B. Clark, *Medieval & Renaissance Texts & Studies* 80 (Binghamton, N.Y., 1992), 134–37 (chap. 11).

<sup>85</sup> Possibly a misinterpretation of a statement similar to Pseudo-Maximus, *Hom.* 23 (PL 57:276B): “quoniam et nuptiis interfuit ut homo, et aquas in vina mutavit ut Deus.”

<sup>86</sup> A standard definition—cf., e.g., Pseudo-Augustine, *Sermo* 139 (PL 39:2018): “Epiphania, id est, apparitio sive manifestatio”; Isidore, *De ecclesiasticis officiis* 1.27 (CCL 113:30.12–13): “‘epiphanem’ enim grece apparitio uel ostensio dicitur.”

## THE CIVIC POETRY OF ABBOT JOHN WHETHAMSTEDE OF ST. ALBANS († 1465)\*

David R. Carlson

MERE doggerel is the topic—the civic poetry, especially the poems on the fifteenth-century English civil war, of John Whethamstede, twice abbot of St. Albans (1420–40 and 1452–65)—for “mere doggerel” is what the commentators have called his writing. “His conception of an elegant style,” one says, “consisted in an almost Alexandrian choice of appropriate images and expressions carried to such an excess that his flowery Latin . . . is indeed almost a caricature of late medieval finery. His sentences are inflated and contorted, his metaphors often so extravagant, that it is not easy to grasp the meaning he intended to convey. His subject matter is usually sacrificed on the altar of form.”<sup>1</sup> “His high flown language leaves down-to-earth reality far behind,” and “his very prolixity makes the texture of his work so loose that the information in them is hard to isolate.”<sup>2</sup> What Whethamstede produced were “almost untranslatable,” “execrable hexameters,” saturated with the “conceits and mannerisms” proper to an “outstanding master of the flowery style.”<sup>3</sup> Faced with such judgements, the temptation (even for a medievalist) is to imagine that there may have been some misunderstanding. Medieval Latin poetry is not always quite so hair-raising, though only if allowance be made for the conventions and peculiar aesthetic that its traditions valued. The tradition in question, in which Whethamstede participated, has been in a bad way for a number of years, roughly since the mid-fifteenth century. Looked at aright, however, historically, Whethamstede’s verse may yet have good in it. But being

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<sup>1</sup> Roberto Weiss, *Humanism in England During the Fifteenth Century*, 3d ed. (Oxford, 1967), 37.

<sup>2</sup> Antonia Gransden, *Historical Writing in England II: c. 1307 to the Early Sixteenth Century* (London, 1982), 378.

<sup>3</sup> E. F. Jacob, “*Florida verborum venustas*: Some Early Examples of Euphuism in England,” *Bulletin of the John Rylands Library* 17 (1933): 268–70.

fair to this tradition of medieval Latin verse-writing is only part of the problem. Whethamstede's detractors may be right if what they are seeing is that Whethamstede mixed matters, trying things though not consistently succeeding; for, besides the fits of vituperation induced by exposure to his "flowery" "medieval" style, the other remark almost always made about Whethamstede is that, more or less, he was a humanist or proto-humanist, having "a prominent place among the pioneers of neoclassicism in England."<sup>4</sup> Whethamstede's poetry may be doggerel, after all, only not "mere" doggerel, but good doggerel, interesting and significant doggerel.

Whethamstede's poetry is confused, characterized by an effort to adhere to competing, even antagonistic literary traditions: scholasticism, on the one hand, in Whethamstede's espousal of the tradition of florid, ornate verse composition hatched in the twelfth century and promulgated from the schools via the manuals of poetic composition; and humanism, on the other, in Whethamstede's efforts to participate in the more thoroughgoing classical scholarship associated with the humanist movement emanating from Italy in the fifteenth century and in that movement's efforts to apply classical canons to current circumstance. In Whethamstede's poetry, the attempt to combine these elements yielded a Frankenstein's monster, built piecemeal of elements that do not sort well together, not long-lived, or happy, or productive—Whethamstede did not found a school or find followers amongst English poets—but significant nevertheless. For in its instability, the odd conjuncture of elements he makes tells something about the character of writing in England in the fifteenth century, in the period of modernity's advent. This was a period of change: of uneven development and of emerging, dominant, and residual formations in culture, not to mention concurrent transitions in the economy, society, and politics. Given the epoch-making changes then in process, the literary products produced under pressure of such change could not but be monstrous. The stresses involved are legible in Whethamstede's writing.

The main story in fifteenth-century English literary history is the commercialization of literature, under various political and productive pressures: productive and reproductive inventions in book manufacture, giving heavily capitalized intermediaries (not only papermakers and printers but also commercial and academic manuscript manufactories) a greater stake in the literary system; and spreading professionalism among writers (increasingly lay, in office and orientation, rather than monks or clerks), in response to social and political demands—in part from local ruling elites, competing with one another—

<sup>4</sup> Weiss, *Humanism in England During the Fifteenth Century*, 31; cf. Walter F. Schirmer, *Der englische Frühhumanismus: Ein Beitrag zur englischen Literaturgeschichte des 15. Jahrhunderts*, 2d ed. (Tübingen, 1963), 82–83.

for hard- and soft-sell apologies. The secondary, corollary story is the establishment in England of the courtly, Chaucerian tradition as the official, or at least the mainstream, tradition of writing in English, despite persistent competition against it from an alternative alliterative, Langlandian tradition, which was discouraged and at times actively suppressed during the fifteenth century.<sup>5</sup> From both of these developments, Whethamstede's writing was not altogether remote. He was himself a patron and was involved in the promotion of the Chaucerian tradition through his associations with John Lydgate and Humfrey of Gloucester; he also took a hand in the suppression of vernacular theology. Moreover, despite the elitist, clerical orientation of his writing, Whethamstede contributed to English literature's increasing participation in broader, civic society. Vernacular theology, the *Piers Plowman* tradition of social criticism, and propagandists like Hoccleve and Lydgate moved writing in English from courtly isolation into the purview of a broader public; likewise, Whethamstede's Latin verse adumbrates a similar reorientation in the Latin culture, from clerical isolation towards broader secular social involvements, that is to be associated with humanism, culminating in Thomas More's *Utopia*.<sup>6</sup>

In chronological terms, Whethamstede is the missing link of English literary history, whose adult life spans the critical middle years of the fifteenth century. He had one foot in the world of Chaucer, biographically speaking, and the other in the world of More and Erasmus. Whethamstede might have been able to remember something of the deposition of Richard II in 1399; he also lived long enough to see Richard III's older brother on the throne, though none of the

<sup>5</sup> See esp. John M. Bowers, "Piers Plowman and the Police: Notes toward a History of the Wycliffite Langland," *The Yearbook of Langland Studies* 6 (1992): 1–50. John H. Fisher, "A Language Policy for Lancastrian England," *PMLA* 107 (1992): 1168–80, and *The Importance of Chaucer* (Carbondale, Ill., 1992), esp. 141–50, has argued for official promotion of Chaucer; James Simpson, "The Constraints of Satire in 'Piers Plowman' and 'Mum and the Sothsegger,'" in *Langland, the Mystics and the Medieval English Religious Tradition: Essays in Honour of S. S. Hussey*, ed. Helen Phillips (Cambridge, 1990), 11–30, esp. 15–18, and Nicholas Watson, "Censorship and Cultural Change in Late-Medieval England: Vernacular Theology, the Oxford Translation Debate, and Arundel's Constitutions of 1409," *Speculum* 70 (1995): 822–64, discuss particulars of the concomitant suppression of the non-Chaucerian alternatives.

<sup>6</sup> A. G. Rigg, "Anglo-Latin in the Ricardian Age," in *Essays on Ricardian Literature: In Honour of J. A. Burrow*, ed. A. J. Minnis et al. (Oxford, 1997), 121–41, esp. 129–32, characterizes Anglo-Latin writing of the late fourteenth century as exhibiting such a reorientation already, and Derek Pearsall, "Lydgate as Innovator," *Modern Language Quarterly* 53 (1992): 5–22, esp. 13–15 and 21–22, has described in similar terms the literary career of John Lydgate, despite Lydgate's monastic vocation. On the social conditions that enabled the secularization of cultural production, still fundamental is J. R. Strayer, "The Laicization of French and English Society in the Thirteenth Century," *Speculum* 15 (1940): 76–86.

“tragical doings” of Richard III himself. He would have been old enough to have bought the Corpus manuscript of Chaucer’s *Troilus* off the shelf; he also lived long enough to use and to own printed books. Whethamstede was born in 1392, while Chaucer and Gower were doing their best work.<sup>7</sup> He was professed a monk, took degrees at Oxford, and was elected abbot of St. Albans by 1420. St. Albans was one of the two or three largest, wealthiest Benedictine houses in England, its size and wealth giving it considerable prominence in public affairs, not to mention its convenient location as a stopping-over point, about twenty miles from London on Watling Street, the royal road running northwest from the capital to Chester. Whethamstede’s record as abbot was one of strengthening the institution, expanding its influence, and protecting its prerogatives; if doing so meant dragging people into court from time to time—even as far as the papal court in Rome—so much the worse for them.<sup>8</sup> After two decades of legal wrangling and entertaining important guests, in 1440 Whethamstede resigned his abbacy for retirement, pleading ill health and incapacity. The retirement was only temporary, however: he was reelected abbot in 1452 and remained in office—active in office, as well as in the courts of law—until his death in 1465, by which time Henry V had been succeeded by the infant Henry VI, who had in turn been challenged by Richard, duke of York, and then deposed by Edward IV. Whethamstede, who had known all of these members of the English royal family, was in his seventies; Erasmus was a baby, illegitimate.

Throughout his life, Whethamstede wrote Latin poetry. He also wrote works of scholarship, narrative historical records of his abbacies (or notes from which secretaries employed for the purpose could write up the narrative records that survive),<sup>9</sup> and a considerable correspondence. With the important exception of his civil war poems, almost all of Whethamstede’s poetry survives only as it was incorporated into the annal-like registers of his abbacies which Whethamstede himself kept or had kept for him. Consequently, the record must be biased, in favour of poems having to do with intermural, communal abbey

<sup>7</sup> Summary biographies of Whethamstede are to be found in the *Dictionary of National Biography* (London, 1885–1900), 60:447–49, and in A. B. Emden, *A Biographical Register of the University of Oxford to 1500*, 3 vols. (Oxford, 1957–59), 3:2032–34. The best general account of his work is Schirmer, *Der englische Frühhumanismus*, 72–89, 136–38; see also Weiss, *Humanism in England During the Fifteenth Century*, esp. 30–38; and Gransden, *Historical Writing in England*, 371–86.

<sup>8</sup> Litigation involving Whethamstede is listed by Minnie Reddan, in *The Victoria History of the County of Hertford*, ed. William Page, vol. 4 (London, 1914), 399–401, with a sample of some of the numerous guests entertained by Whethamstede during the 1420s (399).

<sup>9</sup> The problems of the authorship of the *Annales* and the *Registrum* associated with Whethamstede’s abbacies are discussed by Jacob, “*Florida verborum venustas*,” 266–69; cf. Gransden, *Historical Writing in England*, 374 n. 205.

business, rather than the abbot's private spiritual or personal affairs, on the one hand, or extramural matters on the other. There is an extensive series of poems, for example, alternatively gloating and lamenting over the progress of the abbey's various legal rumbles with its neighbours over rights-of-way and the like, which ought not to have had much of an audience outside the monastery or even within it, except amongst the most perfervidly litigious of the brethren. Be that as it may, there survive just over fifty copies (fifty-four, to my knowledge) of just under fifty poems (forty-six)—a noteworthy low ratio—attributable to Whethamstede, varying in length from ten or twelve lines to two hundred lines each, written over a period of forty years, from the early 1420s until the early 1460s.<sup>10</sup>

<sup>10</sup> Twenty-nine poems are transmitted in London, British Library, Cotton Claudius D.i, in the *Annales monasterii sancti Albani* (attributed to John Amundesham), ed. Henry Thomas Riley, 2 vols., Rolls Series (London, 1870–71), 1:75, 81–82, 85, 88, 98, 117, 186, 194, 203–4, 220–21, 229–31, 261–62, 273–74, 287, 298–99, 364–65, 366–67, 367; 2:88, 103–4, 126, 185, 185–86, 195–96, 201–2, 212, 221–22, 232–33, and 245–47. Three of these (*Annales*, ed. Riley, 2:195–96, 212, and 221–22) are mentioned in Joseph R. Keller, "The Triumph of Vice: A Formal Approach to the Medieval Complaint against the Times," *Annuaire Medievale* 10 (1969): 120–21.

A further thirteen poems are transmitted in London, College of Arms, Arundel III, in the *Registrum abbatiae Johannis Whethamstede secundae*, ed. Henry Thomas Riley, 2 vols., Rolls Series (London, 1872–73), 1:156–57, 174–75, 178, 182–83, 288, 322, 383, 395–96, 399–401, 412–13, 413, 414–15, and 420.

Eleven poems are transmitted in Oxford, Bodleian Library Laud Misc. 697, on fols. 26r–33r of an evidently composite manuscript. Eight of these eleven are also transmitted in the College of Arms manuscript; only three are otherwise unattested. One of these otherwise unattested items is printed below, as Appendix 1, and all eleven poems are printed in Thomas Wright, *Political Poems and Songs relating to English History*, 2 vols., Rolls Series (London, 1859–61), 2:129–30 and 258–66, although Wright (264–66) treats as a single poem something the manuscript represents as three: (1) *inc.* "In sibi conjunctis Edwardi semine natis"; (2) *inc.* "Qui veteres recolis veteranaque gesta revolvis"; and (3) *inc.* "Hac nunc in decade numerus qui dicitur esse" (the first and third of these also attested as separate items by the College of Arms manuscript, *Registrum*, ed. Riley, 1:413–15 and 420). The description of the Laud manuscript's contents in the Quarto Catalogue (H. O. Coxe, *Laudian Manuscripts* [1858–85], rpt. with corrections, ed. R. W. Hunt [Oxford, 1973], cols. 499–500) is not altogether clear on this point.

Another otherwise unattested poem is transmitted in Oxford, Bodleian Library Rawl. B.214, fol. 114v, a manuscript completed by a single compiler, John Wilde, precentor of Waltham Abbey, Essex, by 1469, as described by A. G. Rigg, "Medieval Latin Poetic Anthologies (I)," *Mediaeval Studies* 39 (1977): 309–24, noticing the Whethamstede poem on p. 315. This poem is printed below, as Appendix 2.

This enumeration of Whethamstede's poems does not include his decorative verse (couplets on the stained glass he had installed in the St. Albans Library, for example, in the Laud manuscript) nor other fugitive pieces, of which there may be some quantity. For example, D. R. Howlett, "Fifteenth-Century Manuscripts of St. Albans Abbey and Gloucester College Oxford," in *Manuscripts at Oxford: An Exhibition in Memory of Richard William*



## 1. WHETHAMSTEDE AND THE SCHOLASTIC STYLE

One of the hallmarks of Whethamstede's poetry is its florid, ornate verbal style. Whethamstede's lines scan as well as rhyme, sometimes rhyming at line endings as well as internally at caesuras and in various ways, sometimes formed into stanzas or groups of stanza-like sections held together by refrains ("Gens Boriae, gens perfidiae, gens prompta rapinae," for example, in an invective screed against Northerners<sup>11</sup>)—as in *Anelida*'s complaint in Chaucer's experimental *Anelida and Arcite*, the chief difference being that Whethamstede's Latin alliterates rather more than Chaucer's English. The following example has alliteration in chiasmus superimposed on a pair of simply internally rhyming Leonine hexameters ("vacat" with "pausat" and "meri" with "claustrum," the *v*-sounds of the first half-line alliterating with those of the fourth half-line and the *p*-sounds of the second with those of the third):

Nec sua vanga vacat, ligo vel post prandia pausat,  
Est ubi plena meri sine vepreque vinea claustrum.<sup>12</sup>

Whethamstede also favoured striking concentrations and concatenations of rhymes, as in the following pair of rhymed hexameter couplets, which are the concluding prayer of an epitaph Whethamstede wrote for two kinsmen of his: in the space of the first two of the lines, Whethamstede rhymes "Deus," "summus," "trinus," "unus," "tribus," "munus," and "nummus"—though the main series, made emphatic by position within the lines, is simply the (nearly anagrammatical) "summus," "unus," "munus," and "nummus"—while alliterating "Deus es" with "Des," "trinus" with "tribus," and "munus" with "munere":

Qui Deus es summus, qui trinus, sed tamen unus,  
Des tribus hiis munus, quo detur munere nummus  
Rite laboranti, qui sero solvitur omni  
Praecepto Domini, cui constat vinea coeli.<sup>13</sup>

"The main object" of this kind of verse composition, as A. G. Rigg has said, "seems to have been to combine as many types of rhyme pattern as possible."<sup>14</sup> Whethamstede was no Michael of Cornwall in this respect or Henry of

*Hunt (1908–1979)*, ed. A. C. de la Mare and B. C. Barker-Benfield (Oxford, 1980), 86, nos. XX.2–3, mentions flyleaf verses inscribed by Whethamstede in books that belonged to him.

<sup>11</sup> *Registrum*, ed. Riley, 1:399–401.

<sup>12</sup> *Annales*, ed. Riley, 1:117.

<sup>13</sup> *Ibid.*, 1:221.

<sup>14</sup> A. G. Rigg, *A History of Anglo-Latin Literature 1066–1422* (Cambridge, 1992), 322.

Avranches;<sup>15</sup> still, there are passages in Whethamstede's verse that alliterate, scan, and rhyme—rhyming in varying patterns—all at once. In the following passage, the hexameters rhyme (as does also the elegiac couplet at the poem's conclusion), the first two rhyming collaterally ("regeris" with "miseris" and "regendi" with "miserendi"), while also alliterating, in large part by means of categoric conversions of a sort described by Geoffrey of Vinsauf,<sup>16</sup> a common root recurring in noun or verb or adjective, "regis," "regeris," "recta," and "regendi," for example, as well as "miseris" and "miserendi":

Si regis et regeris recta ratione regendi,  
 Sis pius in miseris, pia res est lex miserendi.  
 Ac ubi quis fessus juga discussit monachatus,  
 Si lachrymans repetat, semper sibi gratia fiat.  
 Dans miseris veniam, miser ipse mereris eandem;  
 Qualeque contuleris, tale quid assequeris.<sup>17</sup>

An extended example of these features of Whethamstede's poetry occurs in a prayer "O qui cuncta creas," evidently modelled on the Boethian meter "O qui perpetua." In Whethamstede's version occurs the same superabundance of rhyme and alliteration, assonance and repetition, and the same varying of rhyme and meter from line to line, as in his other poems:

O qui cuncta creas,  
 Qui tanta creata gubernas,/ **Q**  
 Qui seris arva soli,  
 Qui volvis sidera coeli,/ **Q**  
 Qui regis omne quod est,  
 Qui das quicquid mihi prodest,/ **Q**  
 Sit tibi laus,  
 Hymnus  
 Tibi, gloria,  
 Gratia,  
 Cultus,/ **E**  
 Et quicquid melius  
 Os canit, aut animus./<sup>18</sup>

This kind of lineation emphasizes rhyme and makes the linking of half-lines by alliteration also more apparent (the alliterations, conforming to the standard a a | a x pattern in the first three lines, are in boldface). Though this lineation

<sup>15</sup> On Michael of Cornwall and Henry of Avranches, see *ibid.*, 179–98.

<sup>16</sup> *Poetria Nova of Geoffrey of Vinsauf*, trans. Margaret F. Nims, *Mediaeval Sources in Translation* 6 (Toronto, 1967), 72–79.

<sup>17</sup> *Annales*, ed. Riley, 1:88.

<sup>18</sup> *Ibid.*, 1:186; cf. Boethius, *Philosophiae consolatio* 3.m.9.

makes the verse look like rhythmic, accentual verse, in fact the lines scan as well (in the units ending here with | ), with pentameters occasionally mixed in amongst the preponderance of hexameters, as at the end of the quoted passage, where the couplet closes off a section of the poem. Towards the end of this prayer, however, rhymes occur with such frequency that a lineation by rhyme would make the lines look like Skeltonics—all the while the suprasegmental alliteration continuing, with anaphoric reinforcement:

Tu mihi dux, | mihi lux, | mihi rex, | mihi lex | gradiendi, |  
 Tu solus|que salus, | tu sors pia regrediendi, |  
 Tu princeps procer|-um, | tu praesul presbyter|-orum, |  
 Tu pastor | pecor|-um, | tu praepositus monachorum.— |  
 Quare viator|-em | timidum|-que vagum | redientem, |  
 Suscipe me monachum, | patriam post fata petentem; |  
 Et nunc | claustralem, | coelestem | tunc | rogo civem, |  
 Facque frui vita | tecum | sine | fine | beata. |<sup>19</sup>

What lines like these are supposed to mean, precisely, is a different problem. The exigencies of form in such verbal performances impose certain sacrifices from time to time, of scansion, syntax, and meaning. Formal pattern matters more than making sense sometimes. “Mere doggerel,” though, it is not; nor, on the other hand, is it Vergil. But people did not write this way because they were stupid or incompetent. By Whethamstede’s day, this distinctive, medieval, scholastic tradition of learned verse-writing, created in late twelfth- and early thirteenth-century schools and propagated from there—with important English contributions to theory and to practice—had become the preeminent, most prestigious style in Latin poetry. Whethamstede knew the theoretical and instructional manuals by which this scholastic tradition was spread—he cites Matthew of Vendôme with approval, for example, and quotes at length from Geoffrey of Vinsauf’s *Poetria nova* in one of his encyclopedic works of scholarship<sup>20</sup>—and his practice in verse-writing puts him self-consciously in this cultivated scholastic tradition. This is not an ancient tradition, based on classical canons of good taste, and of course many have been prepared to dismiss scholastic Latin verse for this reason alone. Nevertheless, high medieval Latin verse of this sort has its own attractions. It is a learned, sophisticated style,

<sup>19</sup> *Annales*, ed. Riley, 1:186 (modified here by insertion of | after rhymes). The first of the lines quoted here recalls a line from the widely circulated schoolbook *Colores rhetorici* by Marbod of Rennes (*De ornamentis verborum*, PL 171:1687): “Tu mihi rex, mihi lex, mihi lux, mihi dux, mihi vindex.”

<sup>20</sup> Schirmer, *Der englische Frühhumanismus*, 89. These manuals are surveyed in Margaret Frances Nims, “Ars Poetica,” in *Dictionary of the Middle Ages* (New York, 1982–89), 1:553–55; cf. James J. Murphy, *Rhetoric in the Middle Ages* (Berkeley, 1974), 135–93.

characterized by elaborate ornament: "Whether it be brief or long, a discourse should always have both internal and external adornment," as Geoffrey of Vinsauf said; "the order of art is more elegant than natural order, and in excellence far ahead."<sup>21</sup> Whatever may have been lost, from the perspective of classical standards, "there are compensations in the liveliness of the language and the openness to new sources of expression and idiom."<sup>22</sup>

In addition, it was a difficult style, acquired only with practice, carefully, as even those who later criticised and overturned the canon had to acknowledge. Erasmus mocked; Thomas More, characteristically subtle, was able to have it both ways. He wrote an epigram ridiculing the scholastic verse style—but only after he had supplied a lengthy sample of it, of his own composition, proving that, though he had better taste, he was still capable of doing the trick.<sup>23</sup> The style can be difficult in this other sense, too: not only is it difficult to write, but it can also be difficult to understand—deliberately so—and, when understood, is often found to be light in content. The point of writing this way is not communication of matter but advertisement of style and of the various other affiliations and accomplishments that go with such advertisement. The ideal is not an Horatian transparency of meaning but the kind of perversion of opacity that Ovid imputes to Vulcan: not "si ars latet, prodest," but "materiam superabat opus."<sup>24</sup> There is an antisocial violence to the scholastic verse style: Latin by itself can be intimidating; Latin of this sort is doubly so. The humanist style can also incline towards a similarly antisocial hermeticism, to the degree that obfuscatory grecisms and allusions to recondite antiquities become ends rather than means. Motivating the humanist turn *ad fontes*, however, was always a return to present conditions and issues.<sup>25</sup> By contrast, the impenetrable verbal ornament that is the defining characteristic of the scholastic style makes the style antisocial by nature. This is art for art's sake, serving no communicative

<sup>21</sup> *Poetria nova*, 42 and 19; the important qualification is made that sometimes "adornment consists in avoiding ornaments" (84).

<sup>22</sup> Rigg, *History of Anglo-Latin Literature*, 239. Especially illuminating on this aesthetic is Margaret F. Nims, "Translatio: 'Difficult Statement' in Medieval Poetic Theory," *University of Toronto Quarterly* 43 (1973–74): 215–30.

<sup>23</sup> *The Complete Works of St. Thomas More*, vol. 3.2, ed. Clarence H. Miller et al. (New Haven, 1984), 200–203, nos. 159–61; and cf. David R. Carlson, *English Humanist Books: Writers and Patrons, Manuscript and Print, 1475–1525* (Toronto, 1993), 157–60. For Erasmus's mockery, see *Poems*, ed. and trans. Harry Vredeveld and Clarence Miller, 2 vols., *Collected Works of Erasmus* 85–86 (Toronto, 1993), vol. 1, nos. 128 and 143, with notes on 2:715 and 732.

<sup>24</sup> The quotations are from Ovid, *Ars Am.* 2.313 and *Met.* 2.5.

<sup>25</sup> Thomas M. Greene, "Resurrecting Rome: The Double Task of the Humanist Imagination," in *Rome in the Renaissance: The City and the Myth*, ed. P. A. Ramsey, *Medieval & Renaissance Texts & Studies* (Binghamton, 1982), 41–47.

purpose—in fact, impeding communication—except obliquely, by communicating an author's skills and status and the power of the learned, cultivated tradition standing behind him. Styles are collaborative products, in the case of the scholastic verse style, produced in the most elevated corner of the literary culture by the most elaborately trained specialists, refined over a long period. Cultivating this literary style told an audience about qualities of the verses' author: that the author had been educated in a certain way, to a certain level, and that the author enjoyed a level of leisure sufficient to invest in this kind of nonproductive fashion-modelling. This style inculcated respect for a writer's ability, as well as respect for the whole elevated, authorless discursive formation in which a writer participated by choosing the style.<sup>26</sup>

## 2. THE CLASSICAL SCHOLARSHIP AND CICERONIANISM

The other hallmark of Whethamstede's poetry, pulling in the opposite direction, in effect, away from the ornate style Whethamstede employs, and ultimately in conflict with it, is his poetry's classicism, which takes two forms. Superficially, the poetry uses reference to ancient matter and quotations from ancient writers, with a frequency and an accuracy that bespeak a considerable knowledge of antiquities. Second, more importantly, those poems of Whethamstede that are civic, in their orientation towards public affairs, bespeak a Ciceronianism underlying the poetry; not the Ciceronianism "of mere words and the outer layer of verbal expression," as Erasmus said, "but of substance and sentiments, of intellectual ability, and of right judgement."<sup>27</sup> This Ciceronianism was for Whethamstede probably mediated through identifiable Italian intermediaries as well as drawn directly from an acquaintance with Cicero's

<sup>26</sup> The allusion is to Michel Foucault, *The Archaeology of Knowledge* (1969), trans. A. M. Sheridan Smith (New York, 1976), pp. 21–76; cf. "What Is an Author?" trans. Josué V. Harari, in *Textual Strategies: Perspectives in Post-Structuralist Criticism*, ed. Harari (Ithaca, N.Y., 1979), 141–60.

<sup>27</sup> "Admonendi sumus et illud, ut quod in Cicerone praecipuum est imitemur. Id non in verbis, aut orationis superficie, sed in rebus ac sententiis, in ingenio consilioque situm est" (*Ciceronianus*, ed. Pierre Mesnard in *Opera omnia Desiderii Erasmi Roterodami*, vol. 1.2 [Amsterdam, 1971], 709; trans. Betty I. Knott in *Collected Works of Erasmus*, vol. 28 [Toronto, 1986], 447–48). On Erasmus's view, stressing the importance, not of literal Ciceronianism, but of a decorous Ciceronian attitude towards the orator's problem of mediating between an audience and an issue, see G. W. Pigman III, "Imitation and the Renaissance Sense of the Past: The Reception of Erasmus' *Ciceronianus*," *The Journal of Medieval and Renaissance Studies* 9 (1979): 155–77; likewise, Hans Baron emphasized the significance of Cicero's dutiful civic activism for the renaissance, esp. in "Cicero and the Roman Civic Spirit in the Middle Ages and the Early Renaissance" (1938), rpt. in *Lordship and Community in Medieval Europe*, ed. Fredric L. Cheyette (New York, 1968), 291–314.

writing, taking seriously the example of Cicero's work, seen in proper historical context. In his civic poetry, despite the florid style, by addressing the kinds of occasions he did, given who he was in the English political and social scheme of things at the time, Whethamstede sought to embody in his own practice the Ciceronian ideal of practical, publicly useful eloquence, applied to solving civic problems.

For Cicero, civilization began here, in the effort of a sapient, eloquent individual, by means of reason and speech, "to introduce every useful and honourable occupation," transforming the members of a community "from wild savages into a kind and gentle folk," according to the *De inventione*. For Cicero, blessedness was the end of such efforts, according to the *Somnium Scipionis* section of the *De republica*, for "all those who have saved, aided, or enlarged the commonwealth have a definite place marked off in the heavens where they may enjoy a blessed existence forever. Nothing that occurs on earth, indeed, is more gratifying to that supreme God who rules the whole universe than the establishment of associations and federations of men bound together by principles of justice, which are called commonwealths." For Cicero, civic activism represented the best of the virtues to which humans could aspire, according to the *De officiis*, for "greater impulses to achieve greater things are aroused in the spirits of those engaged in public life"; "those who have adapted themselves to great achievements in the service of the political community lead lives more profitable to humankind and more suited to grandeur and fame"; and "from all this we realize that the duties of justice must be given precedence . . . for they look to the benefit of humankind, and no one should hold anything more sacred than that."<sup>28</sup>

The evidence is that Whethamstede cultivated his knowledge of ancient history and writing assiduously. Amongst his literary remains is a group of encyclopedic collections of antiquities, surviving only in part. He compiled a *Palearium poetarum*, "ein an 700 Artikel umfassendes Reallexikon der antiken Mythologie und Dichtung," called by W. F. Schirmer "das erste in England von einem Engländer geschriebene wirklich humanistische Buch";<sup>29</sup> and also a *Pabularium poetarum*, "eine in vier Bücher gegliederte Anthologie aus den Werken antiker Autoren, vornehmlich Ovid und Vergil," organized alphabetically by keyword, e.g., *amicus*, *annus*, *domus Plutonis*, *Natura*, *Fortuna*,

<sup>28</sup> The quotations are from Cicero, *De inventione* 1.2.2, trans. H. M. Hubbell (Cambridge, Mass., 1949), 7; *Somnium Scipionis* 3.1, trans. William Harris Stahl, in *Macriobius: Commentary on the Dream of Scipio* (New York, 1952), 71; and *De officiis* 1.73, 1.70, and 1.155, translation adapted from M. T. Griffin and E. M. Atkins, *Cicero: On Duties* (Cambridge, 1991), 29, 28, 60.

<sup>29</sup> Schirmer, *Der englische Frühhumanismus*, 86–87. This work survives only incompletely, in London, British Library Add. 26764.

*Fama*, and so on.<sup>30</sup> His chief scholarly accomplishment, however, was his *Granarium*, in four still sizable parts (the first part alone requiring two large codices in some copies), even though it is attested mostly in fragments and excerpts in the surviving manuscript tradition.<sup>31</sup> The first part, *De historiis et historiographis*, "is a lengthy dictionary of historians and their works and of important institutions viewed historically,"<sup>32</sup> with articles on *concilium*, *civitas*, *ecclesia* (in the ancient Greek sense), *ordo*, *secte*, *tribunus*, and so on, as well as the historians whose writings were sources of information about them, including Varro and Jordanes, as well as curious *recentiores* like Gildas and Gerald of Wales. The second part is *De viris illustribus illorumque illustriis, de doctrina philosophorum eorumque dictis et dogmatibus*, the illustrious men and philosophers in question being ancient Greeks and Romans exclusively, excepting the odd Persian.<sup>33</sup> The *Granarium* contains a great deal of information on the kind of ancient adages and philosophical *sententiae* that so occupied Erasmus (as well as Polydor Vergil and others) later; its chief contents is a series of *vitae*, however, and briefer biographical notices: Alexander, Antipater, Antiochus, Antigonus, Antony, Brutus, Caesar, Caligula, Cato, Constantine, Crassus, Cyrus, Darius, Demosthenes, Democritus, Fabius, the Gracchi, Hannibal, Lysurgus, Marius, Mucius Scaevola, Paulus Aemilius, Pompey, Romulus, Seneca, Sertorius, Solon, Sulla, Xenophon, and others, amongst political and historical figures, as well as philosophers, orators, and other writers: Anaximander, Anaxagoras, Appollonius, Aristippus, Aristotle, Crisippus, Diogenes, Empedocles, Epicurus, Galen, Heraclitus, Parmenides, Plato, Pliny, Plotinus, Plutarch, Quintillian, Sallust, Socrates, Tacitus, Thales, Theophrastus, and Zeno, among others. "In allen 300 Artikeln," Schirmer points out, "findet sich kein biblisches Zitat."<sup>34</sup>

<sup>30</sup> Ibid., 87–89. It survives only in London, British Library Egerton 646.

<sup>31</sup> Ibid., 83–86; cf. Jacob, "*Florida verborum venustas*," 274–78; and Pearsall, *John Lydgate* (Charlottesville, 1970), 44. The first part of this work survives incompletely, in London, British Library Cotton Nero C.vi, and the second in London, British Library Cotton Tiberius D.v. There are selections and excerpts from it in Cambridge, Gonville and Caius College 230; London, British Library Arundel 11, Arundel 391, and Cotton Titus D.xx; and Oxford, Bodleian Library Bodley 585. On Bodley 585, and with reference to others of these *Granarium* manuscripts, see D. R. Howlett, "A St Albans Historical Miscellany of the Fifteenth Century," *Transactions of the Cambridge Bibliographical Society* 6.3 (1974): 195–200.

<sup>32</sup> Jacob, "*Florida verborum venustas*," 274.

<sup>33</sup> An article on Darius occurs in London, British Library Arundel 11, and an article on Cyrus is excerpted in Oxford, Bodleian Library Bodley 585; see Howlett, "St Albans Historical Miscellany," 195, 198.

<sup>34</sup> Schirmer, *Der englische Frühhumanismus*, 85.

The longest of the *vitae* in the *Granarium* is of Cicero.<sup>35</sup> The *vita* concentrates on Cicero's official life: his progress through the *cursus honorum*, from quaestor to aedile to praetor to consul and proconsul, and the chief public events during (and between) his terms of office, including the repeal of the Agrarian Law, the prosecution of Verres, the Cataline conjuration, the machinations of Clodius and Cicero's exile, his pacification of Cilicia after the death of Crassus there, and Cicero's part in the civil war. To this account of Cicero's public offices is subjoined a catalogue of his literary *opera*, beginning with the *De republica* and including a list of his forensic orations as well as a more detailed account of his philosophical and oratorical writings. By taking this form, the *vita* embodies the Ciceronian ideal of the statesman-scholar (the philosopher-king, to use the grander Platonic terms): the good life comprehends both.

Whethamstede's *vita* is a redaction and abbreviation of Bruni's *Cicero novus*, which was in turn based on Plutarch's Cicero, as Whethamstede himself suggests at his conclusion ("Hec Leonardus Aretinus in illo parvo libellulo quem ipse de vita ipsius de Greco in Latinum traduxit ex Plutarcho"),<sup>36</sup> and it was here that Bruni had articulated his widely influential view of the Ciceronian ideal:

Homo vere natus ad prodessendum hominibus vel in re publica vel in doctrina, siquidem in re publica patriam consul et innumerabiles orator servavit, in doctrina vero et litteris non civibus suis tantum, sed plane omnibus, qui Latina utuntur lingua, lumen eruditionis sapientiaeque aperuit. . . . Hic ad potestatem Romani imperii dominam rerum humanarum, eloquentiam, adiunxit. Itaque non magis *patrem patriae* appellare ipsum convenit quam *parentem eloquii* et

<sup>35</sup> London, British Library Cotton Tiberius D.v, fols. 171r–173v.

<sup>36</sup> London, British Library Cotton Tiberius D.v, fol. 173v. Parts of Whethamstede's life of Cicero are copied verbatim from Bruni's; compare, e.g., "In metrica arte quantum eciam floruit ex dictis Plutarchi philosophi palam pote[st] colligi, que testantur publice qu[o]modo cum animi metro applicare pl[a]cuit, non pauciores quingentis versibus per singulas noctes face[re] consuevit" (fol. 173r) with the *Cicero novus* "Neque tantum prosa, in quo genere ingens illa verborum et sententiarum copia velut mananti fonte exuberat, verum etiam metro, quotiens animum appulisset, non pauciores quingentis versibus per singulas noctes componere solitum tradiderunt" (*Leonardo Bruni Aretino: Humanistisch-philosophische Schriften*, ed. Hans Baron [Leipzig, 1928], 117); and compare "Quare in causarum patrociniis neque dona neque mercedem a quovis susceperat" (fol. 173r) with "Ex patrociniis neque dona neque mercedem ab ullo recepit" (ed. Baron, 119). It seems likely that Whethamstede would have had access to this work of Bruni's in London, British Library Harley 3426, a manuscript written in Florence ca. 1430–40 by a copyist who "may have been personally associated with Bruni," which belonged to Humfrey and has annotations in the hand of Antonio Beccaria; see A.C. de la Mare and Stanley Gillam, *Duke Humfrey's Library & the Divinity School 1488–1988* (Oxford, 1988), 43, no. 37. On the relationship of Bruni's *Cicero novus* to the Plutarchan life, see Edmund Fryde, "The Beginnings of Italian Humanist Historiography: The 'New Cicero' of Leonardo Bruni," *The English Historical Review* 95 (1980): 533–52.



*litterarum nostrarum*, cuius libros monumentaque si evolvas, numquam otium illi fuisse credas ad negotia obeunda. Rursus autem, si res gestas eius, si contentiones, si occupationes, si certamina in re publica et privata consideres, nulum tempus illi reliquum fuisse existimes ad legendum vel scribendum. Ita solus, ut credo, hominum duo maxima munera et difficillima adimplevit: ut et in re publica orbis terrarum moderatrice occupatissimus plura scriberet, quam philosophi in otio studioque viventes; et rursus studiis librisque scribendis maxime occupatus plura negotia obierit, quam ii, qui vacui sunt ab omni cura litterarum.<sup>37</sup>

These works of scholarship make plain the extent of Whethamstede's acquaintance with ancient history and writing. In them he quotes besides standard Latin authors also rather less well-known and more recently recovered items, including Petronius, Calpurnius, and Quintillian. Most noteworthy, though, are his quotations from Greek writers, albeit in Latin translations. These included Plato and Aristotle, sometimes second-hand or in scholastic translations, but also new translations of Plutarch, Homer, and Xenophon.<sup>38</sup> From a certain perspective, this was the chief accomplishment of humanism, the reinsinuation of the Greek legacy into western and northern European culture, accomplished in the first instance by means of Latin translations, and the evidence of his scholarship suggests that Whethamstede was current with these recent developments in Italian classical scholarship.

Whethamstede's St. Albans had an old and extensive collection of books, as well as a long-standing and still current tradition of classical studies, the legacy of Matthew Paris, for one, and Thomas Walsingham, more recently, whose encyclopedic work in antiquities anticipated Whethamstede's scholarly projects in a number of respects. The younger of them would certainly have known the senior, who died at St. Albans in 1422, after Whethamstede's election as abbot.<sup>39</sup> Whethamstede also had had an Oxford education, and he cultivated his and his abbey's connections with the university likewise throughout his life.

<sup>37</sup> *Leonardo Bruni Aretino: Humanistisch-philosophische Schriften*, ed. Baron, 114–15.

<sup>38</sup> Weiss, *Humanism in England During the Fifteenth Century*, 32–33 n. 8, 35–36; see also idem, "Piero del Monte, John Whethamstede, and the Library of St. Albans Abbey," *The English Historical Review* 60 (1945): 400–401; idem, "Leonardo Bruni Aretino and Early English Humanism," *The Modern Language Review* 36 (1941): 444–46; and Schirmer, *Der englische Frühhumanismus*, 85, 89.

<sup>39</sup> The identified survivals from the St. Albans library are listed in N. R. Ker, *Medieval Libraries of Great Britain: A List of Surviving Books*, 2d ed. (London, 1964), 164–68, and the *Supplement to the Second Edition*, ed. Andrew G. Watson (London, 1987), 59–60. See also R. W. Hunt, "The Library of the Abbey of St Albans," in *Medieval Scribes, Manuscripts & Libraries: Essays Presented to N. R. Ker*, ed. M. B. Parkes and Andrew G. Watson (London, 1978), 251–77; and Weiss, "Piero del Monte, John Whethamstede, and the Library of St. Albans Abbey," 399–406. Whethamstede's debt to Walsingham is suggested by V. H. Galbraith,

Whethamstede, in other words, had some access to local traditions of classical scholarship in England; in addition, he travelled in Italy during late 1423 and early 1424.<sup>40</sup> Though he was on ecclesiastical business that would have occupied most of his time, Whethamstede may also have acquired Italian-made books on this journey,<sup>41</sup> and he evidently cultivated Italian scholars and intellectuals. A surviving letter from Whethamstede to an unnamed Venetian scholar and public official—the conjunction of occupations is significant—establishes that already, as early as 1423, Whethamstede was in contact with exponents of the humanist movement and understood the movement's nature. In the letter, Whethamstede compliments the Venetian by calling him a Ciceronian, and in doing so spelled out already and in brief in what he thought the Ciceronian ideal resided, namely, not in style but in the work that could be accomplished by learning and eloquence, the *scientiae eloquentiaeque opera*:

vir ille erat alter Cicero, qui, quo modo Christus in Iudaea divina fecerat virtute et audire surdos et mutos loqui, ita ipse in Italia arte Rhetoricae mutorum linguas fecit disertas, vigore eloquentiae surdorum aures reddebat attentas, et pauperes vi linguae docuit evangelizare, ac supra Amphionem et Orpheum miracula operari.<sup>42</sup>

### 3. WHETHAMSTEDE AND THE HUMFREY-KREIS

Whethamstede had local access; he also travelled to Italy, where he was exposed to humanism; the crucial influence for Whethamstede, however—both his knowledge of antiquities and his efforts to emulate the civic activism of the Ciceronian orator—would have been his association with Humfrey, duke of Gloucester, and the circle of scholars and writers sponsored by Humfrey during the 1430s and 1440s. Son, brother, and uncle of Henry IV, Henry V, and Henry VI, respectively, Humfrey is best remembered for his books, though to call him a book collector is to misplace the emphasis. The surviving correspon-

*The St. Albans Chronicle 1406–1420* (Oxford, 1937), xlv; and the continuity of a tradition of scholarship at St. Albans, from Matthew Paris to Walsingham, is emphasised in Gransden, *Historical Writing in England*, 122–26; and cf. James P. Carley, "William Rishanger's Chronicles and History Writing at St. Albans," in *A Distinctive Voice: Medieval Studies in Honor of Leonard E. Boyle, O.P.*, ed. Jacqueline Brown and William P. Stoneman (Notre Dame, 1997), 71–102.

<sup>40</sup> He made stops at Pavia, Siena, Florence, Rome, and, on the return journey, Cologne, according to the account in the *Annales*, ed. Riley, 1:73–82, 99–101, 130–38, 142–65, and 182.

<sup>41</sup> Weiss, *Humanism in England During the Fifteenth Century*, 32–33.

<sup>42</sup> *Annales*, ed. Riley, 1:135–38 (quot. at 137).

dence suggests that Humfrey was actively acquiring books from the early 1430s, possibly somewhat earlier. He bought from continental suppliers, in France but above all in Italy, sometimes using agents of unusually learned sorts. Also, Humfrey paid for the manufacture of books in England, employing native text-writers and rubricators for the purpose.<sup>43</sup> Over the fifteen- or twenty-year period, roughly speaking, preceeding his death in 1447, Humfrey amassed a collection of five- to six-hundred manuscript books.<sup>44</sup>

In keeping with the utilitarian nature of the titles Humfrey favoured—works on agriculture, for example, medicine, astrology and military sciences bulk large<sup>45</sup>—the copies he bought and had made were likewise utilitarian: not ornate, display copies (though he was given such copies as gifts), but plain, working copies, meant not to be admired but to be used.<sup>46</sup> The most telling property of Humfrey's collections may be the duplicate copies.<sup>47</sup> He was not so

<sup>43</sup> Cf. the correspondence with Pier Candido Decembrio (to do with obtaining copies of various writings of Celsus, Pliny, Apuleius, and Varro), ed. Alfonso Sammut, *Unfredo duca di Gloucester e gli umanisti italiani* (Padua, 1980), 189–93 and 195–98. Evidence of English work in manuscripts commissioned by Humfrey is mentioned by Sammut in *Unfredo duca di Gloucester*, 98–132, in his description of “Codici superstiti,” nos. 2, 3, 4, 11, 12, 19, 21, 22; and cf. B. C. Barker-Benfield's review of Sammut in *The Library*, 6th ser., 4 (1982): 193.

<sup>44</sup> This is the estimate of Roberto Weiss, “The Private Collector and the Revival of Greek Learning,” in *The English Library before 1700*, ed. Francis Wormald and C. E. Wright (London, 1958), 118.

<sup>45</sup> Cf. Weiss, *Humanism in England During the Fifteenth Century*, 62; and Pearsall, *John Lydgate*, 227.

<sup>46</sup> The thirteen identified survivals from Humfrey's donations to the University of Oxford are all illustrated in de la Mare and Gillam, *Duke Humfrey's Library & the Divinity School 1488–1988*, nos. 26–27 and 29–39, with further description in A. C. de la Mare, “Manuscripts Given to the University of Oxford by Humfrey, Duke of Gloucester,” *The Bodleian Library Record* 13 (1988–91): 30–51 and 112–21. These and others that belonged to Humfrey, forty in all, are described in Sammut, *Unfredo duca di Gloucester*, “Codici superstiti,” with addenda subsequently noticed in A. C. de la Mare, “Duke Humfrey's English Paladius (Ms. Duke Humfrey d. 2),” *The Bodleian Library Record* 12 (1985–88): 39–51, and David Rundle, “Two Unnoticed Manuscripts from the Collection of Humfrey, Duke of Gloucester: Part I,” *The Bodleian Library Record* 16 (1997–): 211–24.

<sup>47</sup> He had two copies of Frulovisi's *Vita Henrici Quinti* (Sammut, *Unfredo duca di Gloucester*, “Codici superstiti,” nos. 2 and 19); two copies of the Decembrio *Republic* (“Codici superstiti,” nos. 10 and 39), one given to Oxford (“Inventari delle donazione” [in Sammut, *Unfredo duca di Gloucester*, 60–84], no. 272), and possibly a third, which went to King's College (cf. “Catalogo di King's College, Cambridge” [ibid., 85–94], nos. 42–43; and Weiss, *Humanism in England During the Fifteenth Century*, 57); two copies of Beccaria's translation of Athanasius's *De trinitate*, both given to Oxford (“Inventari delle donazione,” nos. 36 and 160), only one surviving (“Codici superstiti,” no. 12); two copies of translations from Plutarch by Antonio Pacini, one given to Oxford that does not survive (“Inventari delle donazione,” no. 239) and another surviving elsewhere (“Codici superstiti,” no. 27); three copies of Petrarch's *De remediis*, one surviving (“Codici superstiti,” no. 31) and two given to Oxford that do not survive (“Inventari delle donazione,” nos. 52 and 221); two copies of

much seeking to fill gaps in his private collection's coverage of a subject area, nor amassing more and more examples of some material characteristic that his bibliophily prized; he was seeing to it that there would be enough copies to meet readers' needs. He was not a book collector, for he acquired books not that he might have and keep them but that he might enable others to read.<sup>48</sup> He was a book disseminator, best remembered for giving books away. In three donations, in 1439, 1441, and 1443, in response to appeals to him, Humfrey gave the University of Oxford nearly three hundred books, these being the donations with which the university library was founded. The donated volumes, Latin books exclusively, were copies of standard authors of the arts curriculum, though with a good deal of theology and law as well, weighted in favour of ancient authorities and practical writings: these were books that members of the university could use.<sup>49</sup>

Humfrey also collected writers, so to speak, though his dealings with the living writers whom he employed and patronized were not as open-endedly beneficent. Humfrey's literary patronage responded to political circumstances, circumstances that made England fertile ground for humanist employment-seekers suddenly, in the late 1420s and throughout the 1430s and 1440s, when, even as late as 1418–22, demonstrably it had not been.<sup>50</sup> Uncles were the problem, compounded by premature death, boy-kings, incompetence, and ambition: king after king, in one way or another, faced outright challenges to authority and doubt, beginning before the deposition of Richard II in 1399 engendered the Shakespearean crisis of legitimacy that was to preoccupy England's governing class for much of the century following. The accession of

Bruni's translation of the *Nicomachean Ethics*, one given to Oxford ("Inventari delle donazione," no. 49) and another that went to King's College ("Catalogo di King's College, Cambridge," no. 37); and two copies of Bruni's translation of Aristotle's *Politics*, one given to Oxford (Sammut, "Inventari delle donazione," no. 50) and the other going to King's College (Sammut, "Catalogo di King's College, Cambridge," no. 35), with two other surviving contemporary English copies deriving from one or the other of these, or possibly from a third copy belonging to Humfrey (cf. "Codici Superstiti," no. 41).

<sup>48</sup> Cf. K. H. Vickers, *Humphrey, Duke of Gloucester: A Biography* (London, 1907), 405: "Humfrey cared not for books merely for the sake of collecting them; he valued their teaching, and did his utmost to give them every opportunity of spreading their gospel abroad among the students of the land."

<sup>49</sup> Contemporary inventories of the donated volumes are edited in Sammut, *Unfredo duca di Gloucester*, "Inventari delle donazione," with corrigenda in the review of Barker-Benfield, 191–94.

<sup>50</sup> 1418–22 are the dates of Poggio Bracciolini's sojourn, described in Schirmer, *Der englische Frühhumanismus*, 11–14, and Weiss, *Humanism in England During the Fifteenth Century*, 13–21; cf. the revisionist view of David Rundle, "On the Difference between Virtue and Weiss: Humanist Texts in England during the Fifteenth Century," in *Courts, Counties and the Capital in the Later Middle Ages*, ed. Diana E. S. Dunn (New York, 1996), 184–88.

Henry V in 1412 and the successes of his reign might well have created a basis for the crisis's resolution, but his reign was only "small time." Not until the last decade of the century, after Henry VII had been on the throne for some years, did the new Tudor dynasty feel itself secure enough to begin military adventures abroad again, with Henry VII's campaign in Brittany in 1497.

In this circumstance—irresolvable trouble about who controlled the state, familial and factional traffic around the throne, and outright civil war—the matters of asserting authority and establishing legitimacy in the political realm involved writers and literature. Opportunities for writers to take part in the crisis of legitimacy, one way or another, were many; pressures on writers to take part, applied directly or indirectly, by way of payment or only the prospect of some reward, likewise were many; over the course of the fifteenth century, the historical drift was in the direction of greater participation by writers in civic affairs. In some large measure, local conditions were responsible for this direction of the development of English literature in the fifteenth century, different in this respect from the nascent English of the second half of the fourteenth century—Ricardian literature. The one period produced the *Pearl*-Poet and Chaucer; the other, Hoccleve, Lydgate, and Ashby. The contrast is not so stark, of course: Gower had his fits of civic-mindedness, as had Langland;<sup>51</sup> and the promotion of the Chaucerian tradition—ostensibly an apolitical literature of erotic diversion—can be seen as part of the official, authoritative reaction against the dangerous drift of literature into sedition that the peasants' use of Langland in 1381 and the later efflorescence of dissident vernacular theology had made apparent.<sup>52</sup> In the fifteenth century, literary diversion continued, in the form of romance, or above all the varieties of courtly lyric in the Chaucerian vein, as did also otherworldly literature of private devotion. Nonetheless, the drift of writers into civic participation is palpable, and foremost among the drift's causes were peculiar local political conditions.

As a principle of explanation for fifteenth-century literary history, local political conditions are well established: the invention of Chaucer as the national poet—the Father of English poetry—early in the reign of Henry V, for example, has been explained in these terms; at the other end of the period, the Arthurian revival in the reign of Henry VII and the campaign for beatification of Henry VI have also been so explained.<sup>53</sup> In the middle of the period, the

<sup>51</sup> Anne Middleton, "The Idea of Public Poetry in the Reign of Richard II," *Speculum* 53 (1978): 94–114.

<sup>52</sup> See n. 5 above. The rebels' use of Langland in 1381 has been discussed recently in Stephen Justice, *Writing and Rebellion: England in 1381* (Berkeley, 1994), 102–39.

<sup>53</sup> On the invention of Chaucer, see the work of John Fisher cited in n. 5 above; and Seth Lerer, *Chaucer and his Readers* (Princeton, 1993), esp. 22–56. On the Arthurian revival, see Sydney Anglo, "The British History in Early Tudor Propaganda," *Bulletin of the John Rylands*

various literary activities sponsored by Duke Humfrey are the same. He was not strictly a disinterested amateur of finer things in this respect but had practical applications in mind. Humfrey was ambitious, with clearly political objectives; in pursuing these, he used writers and writing in two ways: either for particular public relations jobs, for producing propaganda arguing particular immediate causes, or, less immediately, for demonstrating his wealth and taste, for the prestige that sponsoring writing could bring him.<sup>54</sup>

The list of writers whom Humfrey patronized is long. On the vernacular side, it includes Thomas Hoccleve, John Lydgate, John Capgrave, and various other lesser lights, like Thomas Norton and John Russell. On the Latinate side, it includes native clerical writers like his chancellor Thomas Bekynton, later secretary to Henry VI,<sup>55</sup> and Nicholas Upton. Most famously, however, Humfrey also patronized a fairly distinguished group of Italians, some of whom he brought to England. His most important contacts appear to have been with a pair of ecclesiasts, whom official business brought into the English orbit: Pietro del Monte, a Venetian jurist and writer as well as a patron of writers,

*Library* 44 (1961–62): 17–48; David Carlson, “King Arthur and Court Poems for the Birth of Arthur Tudor in 1486,” *Humanistica Lovaniensia* 36 (1987): 147–83; and David Starkey, “King Henry and King Arthur,” *Arthurian Literature* 16 (1998): 171–96. On the canonization of Henry VI, see John W. McKenna, “Piety and Propaganda: The Cult of King Henry VI,” in *Chaucer and Middle English Studies in Honour of Rossell Hope Robbins*, ed. Beryl Rowland (London, 1974), 72–88; and cf. Simon Walker, “Political Saints in Later Medieval England,” in *The McFarlane Legacy: Studies in Late Medieval Politics and Society*, ed. R. H. Britnell and A. J. Pollard (New York, 1995), 85–86, 95–96.

<sup>54</sup> Cf. Pearsall, *John Lydgate*, 224–27, characterizing Humfrey as “an erratic, unprincipled and attractively unsuccessful politician who dabbled in letters partly because he saw in them a way to prestige and profit” (224); and Weiss, *Humanism in England During the Fifteenth Century*, 68: “he seems to have been above all interested in what might have proved of some practical value to him.” Humfrey’s patronage of writers, English as well as the humanists discussed by Schirmer and Weiss, is detailed in Vickers, *Humphrey, Duke of Gloucester*, 349–96 (the English patronage on 383–96).

<sup>55</sup> Bekynton’s often remarked criticism of Whethamstede’s latinity—in an acrimonious exchange of letters concerning the transfer of a property, Bekynton wrote his former Oxford schoolmate “Rogo, pater, construe latinum hoc, quod litteris mihi missis inscripseras: *Ipsum juvare vellitis in sancto devotoque proposito suo. ‘Vellitis:’* pater, quae pars? si verbum hoc, declinando verbum *Volo*, nullibi reperias, quid prohibet concludere, quod incongrue sis locutus? Helas! pater, alas! ubi ferula, ubi virga, quibus tam incongrui correctoris temeritas feriat? Restant quae scriberem, si tempus sineret, perquam multa; quibus ferme stomachus mihi ita intumuit ut eum rumpi pertimescam” (*Official Correspondence of Thomas Bekynton*, ed. George Williams, 2 vols., Rolls Series [London, 1872], 1:116)—has to do not with Whethamstede’s style but with grammar; Bekynton’s own cultivation of an interest in the florid scholastic style is attested by his work on the anthology of medieval Latin verse known as the “Bekynton anthology” (Oxford, Bodleian Library Add. A.44): see André Wilmart, “Le florilège mixte de Thomas Bekynton,” *Mediaeval and Renaissance Studies* 1 (1941–43): 41–84; and 4 (1958): 35–90.

who was trained in the school of Guarino da Verona and resident in England as papal collector during 1435–40, and who kept up his connection with Humfrey even after returning to Rome; and Zanone Castiglioni, a much travelled Franco-Italian bishop, who, though he seems not to have visited England, nevertheless, during his stays in Italy at the Roman curia and elsewhere in the late 1430s, “missed no opportunity of praising Humfrey, his studies, and his patronage, to those humanists whom he met.”<sup>56</sup> These two interceded between Humfrey and the Italian writers he employed. Castiglioni put Humfrey in contact with Pier Candido Decembrio, whose Latin translation of Plato’s *Republic* was to be sponsored by the duke; also, with Lapo da Castiglionchio and Antonio Pacini, both of whom were to dedicate translations of Plutarchan lives to Humfrey.<sup>57</sup> Del Monte introduced Humfrey to Leonardo Bruni, who translated Aristotle’s *Politics* for the duke, and he introduced Humfrey to Tito Livio Frulovisi and Antonio Beccaria, both of whom came to England, to act by turns as Humfrey’s secretary, the first ca. 1433–38 and the next ca. 1438–46.

Humfrey’s early rival for political influence in England, Cardinal Beaufort (who also patronized Lydgate), had brought Poggio Bracciolini, another papal collector, to England in 1418–22, apparently chiefly for the prestige that the attachment might bring Beaufort. There was nothing for Poggio to do, except write home, and then he left, without leaving any trace behind. There was no ripple effect.<sup>58</sup> Later, especially during the 1430s and 1440s when Humfrey was most active as a patron, the case was altered. Duke Humfrey’s Italians made contact with locals, and their writings circulated in England. This is the point at which the humanist movement began to root in England and to ramify.

These writers, to whose work Whethamstede was exposed—especially Del Monte, Frulovisi, and Beccaria, though also the nonresidents Bruni and Decembrio—were not artists for art’s sake, nor scholars disinterestedly pursuing

<sup>56</sup> In general, see Sammut, *Unfredo duca di Gloucester*, 3–53, with the pertinent *epistulae*, public and private, on 146–232; also Schirmer, *Der englische Frühhumanismus*, 19–41, and Weiss, *Humanism in England During the Fifteenth Century*, 24–28, 39–61 (the quotation is from 49). On del Monte, see also M. Petriburg, “Some Literary Correspondence of Humfrey, Duke of Gloucester,” *The English Historical Review* 10 (1895): 99–104; R. Ricciardi, “Del Monte, Pietro,” in *Dizionario biografico degli italiani* 38 (Rome, 1990), 141–46; and—esp. on del Monte’s dealings with Humfrey—Rundle, “On the Difference between Virtue and Weiss,” 194–98. On Castiglioni, see also M. G. Cruciani Troncarelli, “Castiglione, Zanone (Zenone),” in *Dizionario biografico degli italiani* 22 (Rome, 1979), 178–81.

<sup>57</sup> On Lapo’s translation of the *Artaxerxes* and Pacini’s of the *Marius*, see Vito R. Giustiniani, “Sulle traduzioni latine delle ‘Vite’ di Plutarco nel Quattrocento,” *Rinascimento*, 2d ser., 1 (1961): 30, 40, 57–59.

<sup>58</sup> Weiss, *Humanism in England During the Fifteenth Century*, 21; and cf. n. 50 above. On Beaufort’s patronage, see Schirmer, *Der englische Frühhumanismus*, 11–19, and Pearsall, *John Lydgate*, 224–25.

knowledge of antiquities and squabbling with their rivals, nor moralists nor writers of religious devotions. They were officeholders for the most part, active in civic affairs, rather than academics or cloistered churchmen. The writings they produced under Humfrey's sponsorship and circulated in England during the 1430s and 1440s were civic-minded, always at least in a general or attenuated sense, being of some practical application to present civic circumstance, when not more pointedly activist.

For Whethamstede, most influential appears to have been the example of Bruni, the sometime chancellor of the Florentine republic. Whethamstede wrote a biography of him, making a point in it of the coupling of political activity and scholarship in Bruni, as if the coupling were the most significant thing about him.<sup>59</sup> Whethamstede also knew and used Bruni's biography of Cicero, the *Cicero novus*, circulated among the Plutarchan biographies in the fifteenth century.<sup>60</sup> Generally, the Plutarchan Lives which Bruni's work emulates and seeks to improve also have a practical, political orientation, their purpose being to make a mirror of history, as Plutarch put it, out of which readers can learn to fashion their own lives "in conformity with the virtues therein depicted," focusing on whatever is most inspiring and most improving in the biographies.<sup>61</sup> For example, Frulovisi extolled the beneficence of Humfrey's protectorate by equating Humfrey's care for the young Henry VI with that of Plutarch's Lycurgus for a similarly minor Spartan king.<sup>62</sup> Humfrey acquired and gave numbers of these useful Plutarchan biographies. Eight were among his donations to Oxford, including some translated by Bruni, and he sponsored the translation of three—one each by Beccaria, Lapo, and Pacini—which came to be incorporated into the standard Latin vulgate Plutarch circulated in manuscript and print throughout Europe between ca. 1420 and ca. 1520, with the dedicatory letters to Humfrey still attached.<sup>63</sup> Whethamstede too sought out and studied the Plutarchan biographies, as his correspondence makes clear.<sup>64</sup>

<sup>59</sup> The biography is quoted, from London, British Library Arundel 11, fol. 92r, in Weiss, "Leonardo Bruni Aretino and Early English Humanism," 445. It begins, "Leonardus Aretinus vir in utraque lingua, greca videlicet et latina satis sufficienter eruditus, eo tempore quo famose urbis florentie cancellarius steterat, multa opera notabilia, partim translacione, partim recollezione, partim vero novella tradicionie, calamo cultissimo conscribebat."

<sup>60</sup> See n. 36 above; and on the circulation of Bruni's *Cicero novus*, see Giustiniani, "Sulle traduzioni latine delle 'Vite' di Plutarco," 38.

<sup>61</sup> Plutarch, *Timoleon*, preface, trans. Bernadotte Perrin, vol. 6 of *Plutarch's Lives* (Cambridge, Mass., 1918), 261.

<sup>62</sup> This example is cited by Gransden, *Historical Writing in England*, 211.

<sup>63</sup> The Plutarchan *Lives* in Humfrey's donations to Oxford are listed in Sammut, *Unfredo duca di Gloucester*, "Inventari delle donazione," nos. 226, 230 (bis), 236, 237, 239, and 244–45. On the translations of Lapo and Pacini, see n. 57 above; and on Beccaria's translation for Humfrey (the *Romulus*), see Giustiniani, "Sulle traduzioni latine delle 'Vite' di Plutarco," 17



Humfrey's secretaries Frulovisi and Beccaria did some literary work in less dutiful veins. Frulovisi wrote Latin comedies, chiefly by way of recondite entertainment though they incorporate political comment: for example, the *Eugenius*, written in England, is an allegorical panegyric of Duke Humfrey's wisdom.<sup>65</sup> Beccaria was an epigrammatist, though his salacious poetry cannot be shown to have circulated in England.<sup>66</sup> For each of them, too, however, writings of these sorts were exceptional. Beccaria spent most of his time translating Plutarch, it appears, though he also wrote for the duke, besides correspondence, public *orationes* that survive: one addressed to the English clergy, urging their support for Henry VI's French marriage, and another addressed to French ambassadors.<sup>67</sup> Frulovisi contributed a life of Henry V and an epic poem on Duke Humfrey's martial feats in Burgundy during 1438–39. He also wrote a treatise of political theory, *De republica*, a copy of which Humfrey included in his 1443 donation to Oxford.<sup>68</sup> Greatest of the fruits of Humfrey's literary patronage, however, were the paired translations, the *Republic* of Plato by Decembrio and Bruni's version of Aristotle's *Politics*, the one ancient work a response to the other, both containing a good deal of historical information about ancient political institutions, as well as the fundamental theoretical formulations of western political theory. Of both of these

n. 2, 47–49. Beccaria dedicated his translation of another life (the *Pelopidas*) to Pietro del Monte: see Giustiniani, "Sulle traduzioni latine delle 'Vite' di Plutarco," 24, 52–53; and cf. R. Weiss, "Per la biografia di Antonio Beccaria in Inghilterra," *Giornale storico della letteratura italiana* 110 (1937): 344–46.

<sup>64</sup> Cf. Weiss, "Piero del Monte, John Whethamstede, and the Library of St. Albans Abbey," 400–401.

<sup>65</sup> These comedies are edited in C. W. Previt -Orton, *Opera hactenus inedita T. Livii Frulovisiis de Ferraria* (Cambridge, 1932); on the *Eugenius*, cf. p. xxix.

<sup>66</sup> On these epigrams, see Carlson, *English Humanist Books*, n. 28 (to p. 67) on 208–9.

<sup>67</sup> Cf. C. Vasoli, "Beccaria, Antonio," in *Dizionario biografico degli italiani* 7 (Rome, 1965), 447–49.

<sup>68</sup> On the life of Henry V, see Gransden, *Historical Writing in England*, 210–13 (and for Humfrey's copies, see n. 47 above); Frulovisi's *De republica* is printed in Previt -Orton, *Opera hactenus inedita*, 295–89, its donation by Humfrey noted by Sammut, *Unfredo duca di Gloucester*, "Inventari delle donazione," no. 241; both works are discussed in C. W. T. Blackwell, "Humanism and Politics in English Royal Biography: The Use of Cicero, Plutarch and Sallust in the *Vita Henrici Quinti* (1438) by Titus Livius de Frulovisi and the *Vita Henrici Septimi* (1500–1503) by Bernard Andr ," in *Acta conventus neo-latini Sanctandream*, ed. I. D. McFarlane, Medieval & Renaissance Texts & Studies 38 (Binghamton, 1986), 431–35. On Frulovisi's epic *Humfroidos*, see Roberto Weiss, "Humphrey Duke of Gloucester and Tito Livio Frulovisi," *Fritz Saxl 1890–1948*, ed. D. J. Gordon (London, 1957), 221–27; and James A. Doig, "Propaganda, Public Opinion and the Siege of Calais in 1436," in *Crown, Government and People in the Fifteenth Century*, ed. Rowena E. Archer (New York, 1995), 102, with important background on Humfrey's part in the campaign on pp. 91–102.

works, Humfrey had multiple copies made; to both of these works, Whethamstede would have been exposed.<sup>69</sup>

Whethamstede was part of the learned, literate group of familiars and correspondents that Duke Humfrey gathered around himself, as the evidence of the letters indicates. For example, one of the group's products, Pietro del Monte's dialogue on virtue (the chief interlocutor of which is Guarino da Verona, and "in which classical and patristic literature is copiously quoted"—"the first humanistic treatise written in this country," in the view of Weiss), survives with not only a dedication to Duke Humfrey but also a letter to Whethamstede attached, submitting the work for his correction first and seeking his approbation.<sup>70</sup> Also, in 1438 or 1439, the English translator of Palladius's *De re rustica*—a characteristically practical work, sponsored by Duke Humfrey again—lists Whethamstede as one of four persons doing Humfrey literary service (besides the Palladius-translator, of course): Pietro del Monte, Tito Livio Frulovisi, Antonio Beccaria, and John Whethamstede:

For clergie, or knyghthod, or husbondrie,  
That oratour, or poete, or philosophre  
Hath tretid, told, or taught, in memorie  
Uche lef and lyne hath he [sc. Humfrey], as shette in cofre;  
Oon novelte unnethe is hym to profre.  
Yit Whethamstede, and also Pers de Mounte,  
Titus, and Anthony, and y laste ofre  
And leest. Our newe is old in hym tacounte.<sup>71</sup>

Whethamstede's place in this group is anomalous. No native of England except Whethamstede was included. Also, though Whethamstede was a scholar and churchman, from other perspectives Whethamstede must have been more nearly Duke Humfrey's equal than his dependent. They were the same age as well as nationality, Humfrey being born in late summer 1390, Whethamstede about the same time, and the friendship between them was of long duration. During Whethamstede's first abbacy, Humfrey visited St. Albans at least once a year, it seems, sometimes for prolonged stays; in 1423, he and his wife arrived on Christmas eve and stayed on until Epiphany—with three hundred of their retainers. Humfrey came to Whethamstede's aid at a critical point when

<sup>69</sup> For Humfrey's copies, see n. 47 above. The Decembrio translation is discussed in James Hankins, *Plato in the Italian Renaissance*, 2 vols. (Leiden, 1990), 1:117–53.

<sup>70</sup> Weiss, *Humanism in England During the Fifteenth Century*, 25; for the letter, see idem, "Piero del Monte, John Whethamstede, and the Library of St. Albans Abbey," 403, 405–6.

<sup>71</sup> Lines 97–104, ed. Mark Liddell, *The Middle-English Translation of Palladius De re rustica* (Berlin, 1896), 22. On the manuscripts of this translation, esp. the presentation copy made for Humfrey, see de la Mare, "Duke Humfrey's English Palladius."

Whethamstede was out of office in the fourteen-forties; Humfrey's tomb, prepared during his life, was at St. Albans, and Whethamstede wrote a eulogy for him after the duke's death in 1447.<sup>72</sup>

Whethamstede's abbacy made him too a member of the patronizing classes. Like Humfrey, Whethamstede patronized Lydgate, buying a life of St. Alban from him;<sup>73</sup> and like Humfrey, Whethamstede too had books, albeit on a less princely scale. Only about half a dozen surviving books that once belonged to Whethamstede have been identified, though these few may represent the nature of his collection. They are evenly split between scholastic titles and ones of more humanist orientation: a copy of one of his own classical encyclopedias, and a glossed "Cato"; a Valerius Maximus with commentary, and Thomas Netter's anti-Lollard *Doctrinale fidei catholicae*; a book of histories of Alexander the Great, a philosophical miscellany with translations of Plato, and a commentary on the Gospel of Matthew.<sup>74</sup> But, again like Humfrey, Whethamstede's benefactions to libraries are probably of greater significance than the collection he formed. Whethamstede even gave books to Humfrey.<sup>75</sup> Whethamstede rebuilt the St. Albans library, furnished it, including stained-glass windows, and contributed books to its collection.<sup>76</sup> Whethamstede also built a library for Gloucester College, Oxford—Lydgate's college, too, ca. 1406–8, of which Whethamstede had been *prior studentium* ca. 1414–17 before his election as abbot—and he contributed books towards stocking its collection. Since this Gloucester College building took place during 1424–29, it is possible that Whethamstede's benefactions inspired Humfrey's rather than the other way around in this case.<sup>77</sup>

<sup>72</sup> Humfrey's visits to St. Albans during Whethamstede's first abbacy are listed in Reddan, *Victoria History of the County of Hertford* 4:399; his intervention on Whethamstede's behalf is mentioned *ibid.*, 403; and cf. the materials reprinted from London, British Library Arundel 34 in *Annales*, ed. Riley, 2:278–89. For Whethamstede's eulogy, see *Registrum*, ed. Riley, 1:178–83, including verses on 182–83.

<sup>73</sup> Pearsall, *John Lydgate (1371–1449): A Bio-bibliography* (Victoria, 1997), 35–36, 59.

<sup>74</sup> On Whethamstede's books, see Howlett, "St Albans Historical Miscellany of the Fifteenth Century," 195–200; *idem*, "Fifteenth-Century Manuscripts of St. Albans Abbey and Gloucester College Oxford," 85–87; and D. R. Howlett and R. W. Hunt, "The Provenance of Ms. New College 49," *The Bodleian Library Record* 10 (1978–82): 225–28.

<sup>75</sup> Sammut, *Unfredo duca di Gloucester*, "Inventari delle donazione," nos. 202–4, and "Codici superstiti," nos. 13 and 26.

<sup>76</sup> A contemporary account of the work on the library survives in London, College of Arms, Arundel III (*Registrum*, ed. Riley, 1:423–24); and in Oxford, Bodleian Library Laud Misc. 697, fol. 27v, are copied "metra omnia quae ponuntur in fenestris in domo librariae monasterii eiusdem [sc. S. Albani]." Cf. Hunt, "Library of the Abbey of St Albans," 260–61, 268.

<sup>77</sup> The *termini* of Lydgate's stay in Gloucester College are uncertain, though he was certainly there ca. 1406–8; it is possible that his time overlapped with that of Whethamstede and

## 4. CLASSICAL SCHOLARSHIP IN WHETHAMSTEDE'S VERSE

The chief difference between Whethamstede and Humfrey, in terms of their contributions to the development of learning and writing in England, is that Humfrey did not write. In him may have remained something of the belief that, while quality literary products may have been estimable things, the job of writing was itself a menial occupation, more or less like cooking.<sup>78</sup> By contrast, Whethamstede did write, and what he wrote increasingly was the sort of civic-minded oratory (in the broad, renaissance sense) that political circumstance warranted and that he would have seen his Italian cohorts in Humfrey's affinity practicing. During this period of the literary activity around Duke Humfrey, with which Whethamstede was affiliated, what he would have seen these persons doing was using their skills as writers to serve civic purposes—the point applies to work of the vernacular poets whom Humfrey sponsored, like Lydgate, albeit more clearly so to the Italians whose familiar Whethamstede is more likely to have been: del Monte, Frulovisi, and Beccaria. "What could be thought more useful in this life," as one of them put it, than civic duty: "teaching people those customs and habits of thought by means of which they will be able to be useful, not to themselves alone, but above all to the other members of their communities."<sup>79</sup> What Whethamstede himself did as a poet, albeit in the florid, difficult style he favoured, was similarly to use what skills and learning he had acquired, amplified by the attention he could command given his position in the polity, to serve civic purposes.

that the two of them became acquainted at this comparatively early date. On Lydgate's college period, see Pearsall, *John Lydgate (1371–1449): A Bio-bibliography*, 15–18, 56–57; and John Norton-Smith, ed., *John Lydgate: Poems* (Oxford, 1966), 195 n. 1. Fisher, "Language Policy for Lancastrian England," 1172–73, shows evidence to suggest that an "Oxford circle" of this period, involving prince Henry (later Henry V), his uncle and tutor Henry Beaufort, his cousin Thomas Chaucer, and Lydgate, "could have been the time and place when the seeds for the self-conscious cultivation of English as the national language were planted. And the first sprout of that momentous plan may have been the decision to organize and publish the poetry of Geoffrey Chaucer" (1173). For Whethamstede's benefactions to the Gloucester college library, see R. B. Dobson, "The Religious Orders 1370–1540," in *Late Medieval Oxford*, ed. J. I. Catto and Ralph Evans, vol. 2 of *The History of the University of Oxford* (Oxford, 1992), 547–48, 563; and, for the date, see John Newman, "Oxford Libraries before 1800," *The Archaeological Journal* 135 (1978): 249.

<sup>78</sup> The shift in aristocratic attitudes towards writing implicit in this difference between Humfrey and Whethamstede is analysed in greater detail in my paper "Lord Morley's Translations from Roman Philosophers and English Courtier Writing" (forthcoming).

<sup>79</sup> Decembrio to Humfrey, in the prologue to his translation of book three of the *Republic*, ed. Sammut, *Unfredo duca di Gloucester*, 207: "Quid enim in hac vita utilius excogitari potest, quam homines his moribus et disciplinis instituere, ex quibus non sibi solis sed ceteris etiam tum patrie imprimis utiles esse queant?"

Whethamstede's surviving correspondence and the St. Albans annals for the periods of his two abbacies yield evidence of the influence of the Italian writers with whom he associated, as well as examples of the kind of use to which he put the knowledge of antiquity he had gained by study. He enjoyed some reputation as a letter writer, and someone went to trouble to collect examples of his epistolography.<sup>80</sup> They are in a florid style analogous in prose to his verse writing; nevertheless, Whethamstede also uses classical allusions in them and quotations from ancient writers to help him make his points. Once the fighting started in the English civil wars, for example, pointed quotations from Lucan's civil war poem, the *Pharsalia*, begin to turn up in Whethamstede's prose; elsewhere there are quotations from Juvenal and Persius and references to the likes of Anaxagoras and Sardanapalus.<sup>81</sup> These are not letters *ad familiares*, amongst classical scholars; these are state papers, in which knowledge of classical literature and ancient history is being put to use on present affairs.

In Whethamstede's verse, the same knowledge of antiquities is in evidence, as well as an effort to espouse an ancient, Ciceronian ideal. Sometimes Whethamstede's classical allusions seem simply decorative, however, serving no purpose more than to establish the extent of his knowledge. Most impressive in this respect, and enigmatic, is a poem of imprecation against anyone who would alter or violate the ordinances of monastic conduct that Whethamstede stipulated:

Terra sibi fruges, amnis sibi deneget undas,  
Deneget afflatus ventus, et aura, suos.  
Nec sibi sol clarus, nec sit sibi lucida Phoebe:  
Destituant oculos sidera clara suos.  
Nec se Vulcanus, nec se sibi praebeat aether,  
Nec sibi det tellus, nec sibi pontus, iter.  
Exul, inops, erret, alienaque limina lustret;  
Exiguumque petat ore tremante cibum.  
Nec corpus querulo, nec mens vacet aegra dolore;  
Noxque die gravior sit sibi, nocte dies.  
Sitque miser semper, nec sit miserabilis ulli;  
Gaudeat adversis foemina virque suis.

<sup>80</sup> A collection survives in London, British Library Cotton Claudius D.i, fols. 1r-32r, reprinted in *Registrum*, ed. Riley, 2:365-476; cf. Schirmer, *Der englische Frühhumanismus*, 77-82.

<sup>81</sup> Riley identified a great many of these quotations in his editions of the *Annales* and the *Registrum*; amongst the quotations not identified in the Rolls Series editions are these from the *Pharsalia*: *Phars.* 1.1, quoted in the *Registrum* 2:471; *Phars.* 8.363-64, quoted in the *Registrum* 1:171 and 392; and *Phars.* 8.365-66, quoted in the *Registrum* 1:169. The quotations from Juvenal and Persius in Whethamstede's letters occur in *Registrum* 2:380, 450, and 462; and the references to Anaxagoras and Sardanapalus occur in *Registrum* 2:387 and 460.

Accipiat lacrymis odium, dignusque putetur,  
 Quae mala cum tulerit plurima, plura feret.  
 Sitque, quod est rarum, solito deserta favore  
 Fortunae facies invidiosa sibi.  
 Causaque non desit, desit sibi copia mortis;  
 Optatam fugiat vita caduca necem  
 Luctatusque diu cruciatos spiritus artus  
 Deserat, et longa torqueat ante mora.  
 De propriis pauca liceat si jungere verba,  
 Sit sibi sors Saphirae, Giezi lepra, mors Ananiae,  
 Et Judae laqueus, et lapsus Simonis altus;  
 Qui violat minimum de praemissis modo scriptum,  
 Aut in nunc alium quam scribitur applicat usum.<sup>82</sup>

This is not all by Whethamstede, as it happens; in fact, excepting the last quatrain (where rhyme breaks out again), and the letter here and there necessary to change the pronominal reference, the whole poem is taken over from the middle of Ovid's *Ibis*, itself an adaptation of an invective rant of Callimachus, in which Callimachus likens his poetic rival Apollonius of Rhodes to the Nile-dwelling bird of the name, which "was a foul feeder of gluttonous and indiscriminate voracity, scavenging any kind of filth or carrion. . . . It was also popularly believed to offset its diet by giving itself water enemas and colonic irrigation *per anum* with its own beak, besides copulating orally, nesting in date palms to avoid cats, and having a gut over forty yards long."<sup>83</sup> What the brethren at St. Albans would have made of Whethamstede's performance is hard to say, if indeed they made anything of it: the *Ibis* was not well known in northern Europe at the time, or at any time for that matter,<sup>84</sup> neither the bird nor the poem, and the hint, supplied in the prose context in which Whethamstede's poem is transmitted, that the imprecation was written "metro Ovidiano" does not help much to explain the quotation or its point.

More significant than such buried quotations from the classics and the decorative allusions are the examples of civic verse, especially those that Whethamstede produced during the 1450s and 1460s, on the civil wars. While Duke Humfrey lived, Whethamstede wrote little in this vein. Whethamstede's poem eulogizing Henry V may date from the early 1420s, when the accession of Henry VI was still recent: it includes a couplet praying that the *novus heres* would prove to be an Augustus to his father's Julius Caesar, and an Alexander

<sup>82</sup> *Annales*, ed. Riley, 1:287.

<sup>83</sup> Peter Green, *Alexander to Actium* (Berkeley, 1990), 201. Whethamstede's quotation is *Ibis* 107–26.

<sup>84</sup> On its circulation, see R. J. Tarrant, in *Texts and Transmissions: A Survey of the Latin Classics*, ed. L. D. Reynolds (Oxford, 1983), 273–75.

to his Philip of Macedon, as well as a series of subsequently standard, and not so standard, humanist *comparationes* of Henry V: "in bellis Mars, alter et Hector in armis,/ In causis Ithacus, in iudiciis Rademantus,/ Carolus in questu, Clodoveus et in moderatu." There is also a poem devoting a couplet each to characterizing England's kings since the Conquest, concluding with Henry VI.<sup>85</sup> Neither of these poems was incorporated into the registers of Whethamstede's abbacies, tending to confirm the intermural bias of the registers as a source for Whethamstede's poetry; it is tempting to believe that one or both figured in the Lancastrian propaganda campaign that followed the death of Henry V, the chief instrument of which was Whethamstede's associate Lydgate,<sup>86</sup> or in the factional scramble for influence within the royal family during Henry VI's minority.

<sup>85</sup> Both poems are printed below, the first (in Appendix 1) from Oxford, Bodleian Library Laud Misc. 697, fol. 28v, whence it was printed by Wright, *Political Poems and Songs* 2:129–30. The poem is unattributed in the Laud manuscript, but its occurrence there in company of a suite of poems elsewhere attributed to Whethamstede, not to mention its characteristic combination of the florid style with ostentatious classicisms, suggests that it is Whethamstede's poem. Its opening phrase ("Finit tractatus") may suggest it was written as a concluding epigram to accompany a life of Henry V, possibly that of Frulovisi, though I know of no evidence. Also, its concluding lines 21–31 are rather more pessimistic about Henry VI's prospects and Anglo-French relations than earlier lines (e.g., 8–12), suggesting a date of composition in the fourteen-thirties or later, or the possibility that two poems have become conflated here, a later one (lines 21–31) answering the earlier (1–20).

The other (in Appendix 2) is printed from Oxford, Bodleian Library Rawl. B.214, fol. 114v. It is noticed in Rigg, "Medieval Latin Poetic Anthologies (I)," 315. The poem is of a commonplace type: Lydgate's English verses on the kings of England, most likely to be associated with other propaganda Lydgate produced for the Lancastrian monarchy in the early years of the reign of Henry VI, though the verses were later rewritten from time to time, circulated very widely in the fifteenth and sixteenth centuries; see Linne R. Mooney, "Lydgate's 'Kings of England' and Another Verse Chronicle of the Kings," *Viator* 20 (1989): 255–89. Whethamstede's verses may likewise date from the 1420s; on the other hand, the final couplet's likening of Henry VI to Hezekiah, "moriens rursusque revivens," may seem to allude to the mature Henry's piety and possibly to the brief period of his restoration in 1470–71, though if so, Whethamstede having died in 1465, the poem's penultimate line could not be his writing. See also n. 10 above, on the date of the manuscript's compilation.

<sup>86</sup> During the fifteenth century, centrally orchestrated propaganda campaigns would appear to have been regular appendages to royal accessions, though Whethamstede's contributions have not been considered. On that following the accession of Henry V, see Lee Patterson, "Making Identities in Fifteenth-Century England: Henry V and John Lydgate," in *New Historical Literary Study: Essays on Reproducing Texts, Representing History*, ed. Jeffrey N. Cox and Larry J. Reynolds (Princeton, 1993), 77–87; and Paul Strohm, "The Trouble with Richard: The Reburial of Richard II and Lancastrian Symbolic Strategy," *Speculum* 71 (1996): 87–111. On that following the accession of Henry VI, see B. J. H. Rowe, "King Henry VI's Claim to France in Picture and Poem," *The Library*, 4th ser., 13 (1932–33): 77–88; John W. McKenna, "Henry VI of England and the Dual Monarchy: Aspects of Royal Political Propaganda, 1422–1432," *Journal of the Warburg and Courtauld Institutes* 28 (1965): 145–

The most noteworthy of Whethamstede's early political poems, however, is a poem of sixty-six lines against Lollardy, attached to the date 1427 in the abbatial register that transmits it.<sup>87</sup> The theme of right social order that pervades Whethamstede's later civil war poems of the 1450s and early 1460s is already prominent here. In it, Whethamstede asserts that, not only did Lollardy mean to upset the established order of the church ("Et perigrinantes cunctos putat ydolotranter; Papam, praelatos, privatos religiosos, Atque status reliquos, vocat ipsa superstitiosos"), but also it had revolutionary political aims as well, intending to leave the state headless ("Regnorum culmen regnandi despicit, omen/ Retrogradum, regimen optat et acephalum"). Since the movement's purpose is subversion of hierarchy ("Ecclesiamve sacram subvertere, seu politiam"), only once Lollardy has been extirpated—its advocates made "cibus ignis"—will church and state again be well:

Tunc dos Ecclesiae, tunc sors crescet politiae;  
 Pax erit in studio, plebs sine dissidio;  
 Tunc tranquilla quies laicos reget, atque scientes,  
 Stabit et ars quaeque pace vigensque fide.  
 Quod praestet Deitas, cunctosque pseudo-prophetas  
 Ore tacere jubet, nosque cavere docet.

Though the poem catalogues Lollardy's theological defects, it is chiefly about social order-maintenance and keeping peace between the classes, the solution Whethamstede offers being a "plebs sine dissidio." The 1381 revolt had struck St. Albans with particularly virulent force, unsurprisingly. Despite authority's best efforts to close the lid again on the trouble—efforts that included staging John Ball's dreadfully spectacular execution at St. Albans, as well as spreading the notion, by way of official explanation, that the rebellion had been a lollard manifestation—tensions remained high at St. Albans, again unsurprisingly. In 1424, in his capacity as monastic overlord, Whethamstede himself faced down

62; and R. A. Griffiths, "The Sense of Dynasty in the Reign of Henry VI," in *Patronage, Pedigree and Power in Later Medieval England*, ed. Charles Ross (Gloucester, 1979), 13–36; and *The Reign of King Henry VI* (Berkeley, 1981), 217–28. On that following the accession(s) of Edward IV, see Alison Allan, "Yorkist Propaganda: Pedigree, Prophecy and the 'British History' in the Reign of Edward IV," in *Patronage, Pedigree and Power in Later Medieval England*, ed. Ross, 171–92, and "Royal Propaganda and the Proclamations of Edward IV," *Bulletin of the Institute of Historical Research* 59 (1986): 146–54; and Cameron Louis, "A Yorkist Genealogical Chronicle in Middle English Verse," *Anglia* 109 (1991): 1–20. On that following the accession of Henry VII, see Anglo, "The *British History* in Early Tudor Propaganda"; McKenna, "Piety and Propaganda: The Cult of King Henry VI," 72–88; and Carlson, "King Arthur and Court Poems for the Birth of Arthur Tudor in 1486," 147–83.

<sup>87</sup> *Annales*, ed. Riley, 1:229–31, whence come subsequent quotations. This poem, as well as a later epigram on Reginald Pecock, are discussed in Carlson, "Whethamstede on Lollardy and Order in the English *Politeia*" (forthcoming).



a group of enraged locals—a group in social composition similar to the local rebels of 1381 and bringing the same grievances—using a charter or two.<sup>88</sup> Collective memory of 1381 in the monastic community at St. Albans, as well as the community's recent experiences in Whethamstede's first abbacy, of the lower orders' attempted disruptions of the social hierarchy, would have coloured Whethamstede's perceptions of the social disruptions that occurred during his second abbacy, though by then the disorderly forces were not peasant revolutionaries but members of the royal family and their retainers.

### 5. WHETHAMSTEDE'S CIVIL WAR POEMS

For the most part, the poetry by Whethamstede surviving from his first abbacy is parochial. After Duke Humfrey's imprisonment and death in 1447, Whethamstede did more poetic work of an activist sort, and with the outbreak of open war over the crown in 1455, he began a series of poems on the civil war, which appear to have had greater circulation than his other writings and are his most important contribution to English literary development. In these poems, Whethamstede brought to bear on his local situation—an English person, addressing others, on English affairs—the Ciceronian notion of practical, civic-minded address that he would have imbibed from his contacts with the Italian new learning, both abroad and at home, with the peculiar pressures of local circumstance compelling him to speak out.

There are ten of these civil war poems, written between 1455 and 1461, the only poems of Whethamstede to have survived in multiple copies.<sup>89</sup> The earliest of them were occasioned by the first battle of St. Albans in May 1455, when an army led by Richard, duke of York, marching on London, defeated at St. Al-

<sup>88</sup> *Annales*, ed. Riley, 1:187–94.

<sup>89</sup> These poems survive in the College of Arms manuscript and the Laud manuscript (see n. 10 above), seven in both, two in the College of Arms manuscript alone and one in the Laud, in chronological order as follows: (1) *inc.* "Martia splendiferum regerent cum sidera lucem" (1455), ed. Wright, *Political Poems and Songs* 2:258–59; (2) *inc.* "Dum Maius madidi flos floruit imbribus Austri" (1455), ed. Riley, *Registrum* 1:174–75, and ed. Wright, 259–60; (3) *inc.* "Quos Mars, quos Martis sors saeva, suaeque sororis" (1455), ed. Riley, 178; (4) *inc.* "Aemula sors variis signanter honoribus altis" (1455), ed. Riley, 182–83; (5) *inc.* "Anno mil-leno, centum quater, X quoque seno" (1460), ed. Riley, 383, and ed. Wright, 260–61; (6) *inc.* "M semel, X seno, centum quater, I simul uno" (1461), ed. Riley, 395–96, and ed. Wright, 261; (7) *inc.* "Qui mores plebis cognoscere vis Borealis" (1461), ed. Riley, 399–401, and ed. Wright, 262–63; (8) *inc.* "X. numero seni lapsi sunt circiter anni" (1461), ed. Riley, 412–13, and ed. Wright, 263; (9) *inc.* "M. semel, x. seno, centum quater, i. simul uno" (1461), ed. Riley, 413, and ed. Wright, 264; (10) *inc.* "In sibi conjunctis Edwardi semine natis" (1461), ed. Riley, 414–15, and ed. Wright, 264–66. For what follows, I quote the texts from Riley's editions in cases where there is a choice.

bans a loyalist army and then looted the town, though not the monastery. Subsequently, Whethamstede also wrote on the battle of Wakefield, just after Christmas 1460, when this same Richard, duke of York, was killed, having declared himself king not long earlier, in October 1460. Whethamstede wrote again on the second battle of St. Albans, in February 1461, when a northern army under the command of Henry VI's wife Margaret of Anjou, marching south to London, met and defeated a Yorkist army and then plundered the town and the monastery; and he wrote on the acclamation of Edward, son of the late Richard, duke of York, as King Edward IV, in London in March 1461, including a hymn in praise of Edward's good governance (prolepsis, one supposes). The latest of Whethamstede's civil war poems is on Edward's apparently conclusive victory over what remained of Margaret's Lancastrian army, at Towton, later in 1461. There were further troubles subsequently, of course, that made the Yorkist regime look different, but Whethamstede did not live so long. His writings give out after 1461, and he died in 1465.

These civil war poems too are decorated with classical references and quotations, like the letters and the other poems: to cite only some of the examples, Whethamstede quotes Vergil's *Aeneid* and Ovid—Vergil and Ovid, with Lucan, being the poets of change and the state;<sup>90</sup> he refers to furies and harpies, to Bellona and Rhadamanthus, Minos, and Aeacus; he calls Edward IV a new Augustus, and he makes a list of ancient tyrants struck down for their injustice, including Tarquin, Tydaeus, Ptolomy, and Julius Caesar, whose career was undergoing reevaluation in this period, as a way of criticizing Henry VI and the Beaufort factionalists who held power over him at the time of the death of duke Humfrey.<sup>91</sup> One of the poems, like the *Ibis*-poem cited above, is based on something from antiquity: Vergil's fourth *Eclogue*, the messianic one, which Whethamstede uses to welcome the accession of Edward IV. Earlier writers and exegetes had made Christian allegory of the same Vergilian material; Whethamstede returns the material to political reference, as if in recognition of its original historical import:

Jam nova progenies, quia caelo venit ab alto,  
Saturni suboles, quae nomine dicitur altro  
"Edwardus Quartus," Ricardo sanguine junctus.

<sup>90</sup> *Registrum*, ed. Riley, 1:400 and 176.

<sup>91</sup> The examples cited occur in the *Registrum*, ed. Riley, 1:396, 400, 174, 396, 413, and 182. On the reevaluation of Caesar, especially vivid is D. J. Gordon, "Gianotti, Michelangelo and the Cult of Brutus," in *The Renaissance Imagination*, ed. Stephen Orgel (Berkeley, 1975), pp. 233–245; Rundle, "Two Unnoticed Manuscripts," 211–19, documents the circulation in England ca. 1440 of matter from the Poggio-Guarino *controversia* to do with Caesar, and Pearsall, *John Lydgate (1371–1449): A Bio-bibliography*, 23–24, shows that Lydgate's Caesarian polemic, the *Serpent of Division*, was written at Humfrey's behest in late 1422.

Creditur a multis, redient Saturnia nostris  
 Temporibus saecula, lis, visque, nefas simul una  
 Deperient; jura, lex, et pax, sint reditura.

Haec spes plebis erat, cleri chorus haecque putabat.  
 Det, seu speratur, regum Deus, ut statuatur,  
 Et plebs tranquille vivat, clerusque quiete.<sup>92</sup>

There must be some temptation to dismiss such performances as partisan propaganda, or worse, opportunistic partisan propaganda: the Beauforts killed Duke Humfrey, and a Lancastrian army (though no longer under Beaufort leadership) devastated St. Albans Abbey, so thoroughly that Whethamstede and the monastic community were forced to flee into an exile of several months' duration—a repetition of the dislocation of the community at the time of the peasants' revolt the century before. Of course Whethamstede would call Edward IV another Augustus, a secular messiah come to save the English polity, making it possible that "Et plebs tranquille vivat clerusque quiete." On the other hand, the poems show Whethamstede siding with the losers, in defiance of those in power, first on one side, then on the other. After the first battle of St. Albans, he petitioned the victorious duke of York and was allowed to bury the defeated Lancastrian leaders in the abbey, including Edmund Beaufort, duke of Somerset, and he wrote their epitaph.<sup>93</sup> After the battle of Wakefield, he wrote in praise of the loser again, though the loser had been the victor on the previous occasion: Whethamstede now calls Richard "the kingdom's heir all too briefly" ("Sors belli, sors fuit ipsis / Obvia, sicque satis regni fuerat brevis haeres") and insists that, despite what happened, Richard had a right to the kingdom—legally, he was the proper heir of Richard II: "jus regni, jus fuit ejus."<sup>94</sup>

In fact, the thread that runs throughout Whethamstede's civil war poems is not a narrow factional agenda, but the one mentioned here—the matter of *ius*, law and order. He takes the same authoritarian position, favouring maintenance of established order, that had animated his poetry against religious dissent. Above all, Whethamstede stood on the principle that the public good depended

<sup>92</sup> *Registrum*, ed. Riley, 1:412–13. On the exegetical tradition Whethamstede rejects, see esp. Karl Strecker, "Jam nova progenies caelo demittitur alto," *Studi Medievali*, n.s., 5 (1932): 167–86; and Pierre Courcelle, "Les exégèses chrétiennes de la quatrième églogue," *Revue des études anciennes* 59 (1957): 294–319; there is also useful information in Stephen Benko, "Vergil's Fourth Eclogue in Christian Interpretation," in *Aufstieg und Niedergang der römischen Welt* 2.31.1, ed. Wolfgang Haase (Berlin, 1980), esp. 669–81.

<sup>93</sup> *Registrum*, ed. Riley, 1:175–78.

<sup>94</sup> *Ibid.*, 1:383.

on submission to law—that the claims of law ought always to be set above claims of mere force, as suggested in the eulogy he wrote for Richard, duke of York in 1460. In the longest, most developed of the civil war poems, written in 1461 on the occasion of the accession of Edward IV, this is the issue that Whethamstede addressed: the justice of Edward's right to the throne.<sup>95</sup> Edward had won a military victory, which Whethamstede represented as a kind of sanction ("Res agitur belli, vicit sanguis Leonelli [sc. Edward],/ Et palmam tulerat"); also, Edward had been publicly elected king, by acclamation, when the London commons welcomed him in triumph, and Whethamstede represents this too as a legitimating sanction, when *clamor populorum* hails him as a new *Augustus*:

Cum victor secum palmam ferret, que triumphum  
Vendicat hoc iterum, plebs applaudebat eidem;  
Clamabatque sibi,—“Vivat felicior omni  
Rege, vel Augusto, melior regat Octaviano”;  
Haec vox cunctorum clamor fuit, ac populorum.

Above all other considerations, however, Whethamstede puts Edward's right, by patrilineal descent from Edward III. The Lancastrian line was exhausted in Henry VI's incompetence ("in quo/ Stirps ea cessavit"), and no matter, for the Lancastrian claim was illegitimate to begin with. Though Henry V may have been a good king, his father had usurped the throne, criminally, by force, rendering unjust his heirs' tenure.

In sibi conjunctis Edwardi semine natis,  
Ortus erat primo Leonellus, Johnque secundo.  
Cedat lex regni vult junior ut seniori,  
Attamen Henricus, haeres genitusque Johannis,  
Per vim sceptrigerum regimen tulerat, que coronam,  
Et tenuit multis, sed non sine viribus, annis.  
Illi successit Rex, qui si non caruisset  
Justitiae titulo, non Hector dignior ipso,  
Non Judex Aeacus, non ore politus Ulixes.

A legitimate king on the throne, finally, by law, what Whethamstede showed Edward doing was restoring law throughout, where there had been of late only brutality. It is a point he puts plainly more than once: after sixty years during which "Anglorum regnum vis, non jus, rexerat ipsum," "jura, lex, et pax sint reditura"; made king, putting back together what had been broken, Edward IV put down force, as far as was lawful, and restored law to its proper place:

<sup>95</sup> Ibid., 1:414–15.

Rex igitur factus, rex in solioque levatus,  
 Quod fractum fuerat, iterum bene consolidabat,  
 Jureque quo potuit, vim pressit, jus renovavit.<sup>96</sup>

In the circumstances then prevailing, the temptation to withdraw from public affairs must have been considerable, especially for someone with a monastic vocation of detachment from the world. If nothing else, Whethamstede would have been interested in the etymology: *monachos* is a Greek term after all. It would seem, however, in practice at least, that the Ciceronian ideal had a greater hold over him. The pressure of immediate circumstance would also have been great. His position made him unavoidably Caesarean and secular for a member of the regular clergy, quite apart from any Ciceronian sense of civic duty he may have acquired. No doubt Whethamstede felt a personal attachment to Humfrey, with concomitant responsibilities, and he had a proper, proprietary concern for his own and his abbey's well-being—these too would have prompted him. Perhaps what needs explaining is why, in the circumstances that obtained in England in this period, there was not more written on the state of things by persons of Whethamstede's stature and learning. Be that as it may, in the civil war poems, Whethamstede acted as if in the circumstance he had to stand for the common good as he understood it, as if "*nunquam privatum esse sapientem*," in the Ciceronian phrase.<sup>97</sup> The significant thing is that he was who he was and chose to write on occasions of the sort he did, making plain pronouncements on matters of public moment. He chose civic *negotium*.

Classicizing and Ciceronian as these civil-war poems are, in terms of allusion and underlying purpose, they are all also still in the difficult style that Whethamstede always cultivated: these poems too scan, rhyme, and alliterate, favour elaborate circumlocution, and can be trying to read. The epitaph for Edmund Beaufort and the other dead losers of the first battle of St. Albans supplies a final example:

Quos Mars, quos Martis sors saeva, suaeque sororis,  
 Bello prostrarunt, villae medioque necarunt,  
 Mors sic occisos tumulaverat hic simul ipsos;  
 Postque necem requiem causavit habere perennem.  
 Est medium, sine quo vult sic requiescere nemo.  
 Hic lis, hic pugna; mors est quae terminat arma.  
 Mors, sors, et Mavors, qui straverunt dominos hos.<sup>98</sup>

<sup>96</sup> Ibid., 1:412, 414.

<sup>97</sup> Cited in Baron, "Cicero and the Roman Civic Spirit," 292.

<sup>98</sup> *Registrum*, ed. Riley, 1:178.

Leonines and Ciceronianism: in this combination of elements resides Whethamstede's significance for English literary history, in his production of just this instable hybrid, pulling two ways at once, in its turn characteristic of the Lancastrian, Yorkist, and early Tudor periods. His writing can stand for the state of Anglo-Latin culture in general during the fifteenth century, characterized by an unsettled juxtaposition of clerical tradition, still developing generic and stylistic canons established in the twelfth century, and civic oriented neoclassicism, reviving ancient canons and in effect making new ones, the juxtaposition otherwise but rarely instanced so well in single pieces by single writers.

In his classical scholarship and in the Ciceronian uses he made of his scholarship and literary skill, Whethamstede might well have been taken as a model for later-coming early modern writers like More to emulate. There is no evidence, however, that his work was noticed or influential in this or any other way. His writings were not printed, nor widely recopied in manuscript; as far as I can tell, there were no discussions of him or quotations from his work. All of the memorials of him he put up himself, and they were destroyed with the reformation.<sup>99</sup> Despite his classical scholarship and Ciceronianism, his espousal of the difficult style meant that his work was bound to be left behind, like documents in Old English after the Conquest, when literary history moved on.

At the moment, the difficult scholastic verse style would have lent Whethamstede's work authority with an immediate audience, of others trained as he was in England's medieval clerical traditions, even in Chaucer's fourteenth-century England, habituated to reading the style as a sign of distinction and accomplishment. The contradiction was irresolvable, however, between espousal of the florid scholastic style and discharge of civic duty. Civic address in Latin, at a time when the *civitas* was ever less Latinate and ever more communicative business could be transacted in English, is a sufficiently puzzling notion by itself; and certainly humanist Latin was prone to its own forms of recondite excess and obscurantism. Nevertheless, the florid scholastic style that Whethamstede cultivated—an antisocial practice—was by its nature antithetical to the Ciceronian ideal of socially useful eloquence. Given the increasingly secular, commercialized cultural ambient, of course the Ciceronian novelty prevailed.

To some degree, Whethamstede himself was responsible, by his writings, for creating conditions under which the same writings would come to appear senseless. Whethamstede's florid Ciceronianism created its own gravedigger, the Ciceronianism it exemplifies burying the florid style that clothed it. Whethamstede contributed to this outcome, not only by his writings but also by his patronage of other writers, of education, and of books and libraries. The

<sup>99</sup> One of the autobiographical memorials is cited by Weiss, *Humanism in England During the Fifteenth Century*, 38.

admiration for antiquity evident in Whethamstede's scholarship and in the civic-mindedness of his verse writing engendered eventually, in others, an admiration for ancient style as well, not only in grammar and vocabulary but also prosody. Once admiration for classical canons had gone so far, especially once scholastic educational canons were displaced by humanist ones (only in the sixteenth century), Whethamstede's Leonines, however Ciceronian in orientation, became illegible. Only by way of his verse, however, could his verse come to seem incompetent—bound to remain *sui generis*, incomprehensible, "mere doggerel."

#### APPENDIX 1

##### Whethamstede's eulogy of Henry V

The text comes from Oxford, Bodleian Library Laud Misc. 697, fol. 28v, with the copyist's abbreviations expanded, modernized distribution of *i*, *j*, *u*, and *v*, editorial punctuation, and changes to the manuscript readings enclosed in angle brackets. The poem was printed in Wright, *Political Poems and Songs* 2:129–30, though without apparatus; the apparatus below lists only substantive differences between the manuscript and Wright's text.

Nota bene de Henrico rege quinto, rege Anglie.

- Finit tractatus celebri memoramine dignus,  
 Tractatus talis qualem non viderat Anglus,  
 Nec visurus erit, licet annis mille manebit,  
 Plusquam milicia nisi gracia deferat arma
- 5 Et fortisque potens princeps sit bella gubernans,  
 Ut (semper) fuerat Hen. quintus quando regebat;  
 Quando sed id fiet, deus utique non homo dicet.  
 Det Deus Augustus ut sit Julio novus heres,  
 Duxque patri Macedo successor honore Philippo.
- 10 Quam probus et pugnax, quam vivax, fortis et audax  
 Adversus Francos fuit Hen. rex nomine quintus,  
 Dum regnans steterat, hec nunc concordia monstrat.  
 Monstrat, declarat, plano sermoneque narrat,  
 Quod fuit in bellis Mars, alter et Hector in armis,
- 15 In causis I(th) a(c)us, in iudiciis Rademantus,  
 Carolus in questu, Clodoveus et in moderatu;  
 Pluraque sub brevibus ut summatim referamus,  
 Quicquid regis erat, hic unus solus habebat,  
 Unus et in numero rex, miles, duxque regendo;

- 20 Regum gemma fuitque ducum flos dummodo vixit.  
 Quam bona, quam magna, quam grandia, quamque notanda  
 Hic rex, dum rexit, apud hostes gesta peregit,  
 Si melius memores, et quomodo nunc variat sors,  
 Non sine mili(ci)a et neclectu desidiaque,  
 25 Dic flens, dic merens, fert hostis seu modo gaudens.  
 Nunc ver, nunc estus, nunc Martis tota potestas  
 Ad Francos abiit, nunc nos Anglosque reliquit.  
 Regina fallit hebes, patrem sequitur sua proles;  
 Fallit item dictum: dat ramus semper eundem  
 30 Fructum quem stipes; interdum sunt variantes.  
 Desino plura loqui: res est manifesta legenti.

Decet enim talia haberi in memoria in bonorum laudem, vituperationem modo eorum qui dormitant et pergere permittunt omnia in perdicionem.

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3 erit] erat *Wright*      6 semper fuerat] impar fuerat MS : semper fuerit *Wright*      6,  
 11 Hen. *causa metri*      14 alter] altus *Wright*      15 Ithacus] Icathus MS      24 milicia  
 et] milia et MS : militias *Wright*      26 ver] vir *Wright*      28 hebes] habens *Wright*  
 post 31 modo] enim *Wright*      pergere] peregre *Wright*

## APPENDIX 2

### Whethamstede's verses on the kings of England

The text comes from Oxford, Bodleian Library Rawl. B.214, fol. 114v, with the copyist's abbreviations expanded, modernized distribution of *i*, *j*, *u*, and *v*, editorial punctuation, and changes to the manuscript readings enclosed in angle brackets. The manuscript is described in Rigg, "Medieval Latin Poetic Anthologies (I)," 309–24.

De regibus Anglie et eorum condicionibus a conquestu, secundum magistrum Johannem Whethamstede, abbatem Verolamensem, scilicet Sancti Albani.

Natu dux primo conquestu rexque secundo  
 Willelmus fuerat; sibi sors sibi Marsque favebat.

Nomine par patri, sed dispar moribus ipsi,  
 Venatum coluit; merito venando perivit.

- 5 Henricus primus bene rexit, h(o)c ordine dignus:  
 Liberat ecclesiam; Francorum vicerat hostem.



Vultum Fortune Stephanus rex vidit utrumque,  
Captus ab augusta post regnans sorte secunda.

- 10 Laudes Henrici laudandaque gesta secundi  
Unica menda tulit: mors martiris hec maculavit.

Alter erat Marius variata sorte Ricardus;  
In bellis vicit, bello lesusque quievit.

Hos inter reges vacuus stat honore Johannes:  
Rexerat exigue, sibi gracia defuit atque.

- 15 Tercius Henricus, rex victor, rex quoque victus,  
Alternis fuerat vicibus, sed victor abibat.

Edwardus primus, novus Ector et alter Achilles,  
Devicit Scotos; moriens quoque terruit ipsos.

- 20 Infortunatus cessit Scotisque fugatus  
Illius natus sanctis tamen est sociatus.

Tercius Edwardus, rex audax ut leopardus,  
Calesius cepit, reges binosque subegit.

Vir Paridi similis alter fuit ore Ricardus;  
Sorte tamen cecidit quia regnum non bene rexit.

- 25 Miles erat fortis, formaque decensque decorus;  
Henricus quartus hostes sibi presserat omnes.

Sensu rex Salomon, Gedeon dux, Marteque Jason,  
Hen. quintus fuerat; sibi Neustria subdita stabat.

- 30 Alter Ezechias, moriens rursusque revivens,  
Henricus sextus, rex sanctus rexque benignus.

Explicit descriptio regum Anglie a conquestu secundum magistrum J. W. (ut supra)

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5 hoc ordine] hac ordine MS , *fortasse* ac ordine *aut* ordine, *causa metri*  
*causa metri*

28 Hen.

# THE CIRCULAR PALACE OF PRINCESS OLHA IN KYIV (955–59): A DESCRIPTION OF THE STRUCTURE WITH AN ANALYSIS OF ITS FUNCTIONS AND ITS GRAPHIC RECONSTRUCTION\*

*Volodymyr I. Mezentsev*

ARCHITECTURAL historians have traditionally maintained that monumental masonry architecture was introduced to Kyiv (Kiev) from Byzantium only after the Christianization of Rus' by Prince Volodymyr (Volodimer, Vladimir) in 988.<sup>1</sup> They generally consider the famous Church of the Mother of God (called the Church of the Tithes or *Desiatynna*), which this prince commissioned in Kyiv in 989–96,<sup>2</sup> to be the earliest known Byzantine masonry structure in all of Rus'. Recent archaeological investigations, however, have shown that masonry construction was initiated in Kyiv considerably earlier.

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<sup>1</sup> See, for example, George H. Hamilton, *The Art and Architecture of Russia* (Harmondsworth, 1954), 8–9; Hartmut Schäfer, "Architekturhistorische Beziehungen zwischen Byzanz und der Kiever Rus im 10. und 11. Jahrhundert," *Istanbuler Mitteilungen* 23–24 (1973–74): 200–205, 217; Viktor N. Lazarev, *Vizantiiskoe i drevnerusskoe iskusstvo* (Moscow, 1978), 211 ff.; *An Introduction to Russian Art and Architecture*, ed. Robert Auty and Dimitri Obolensky (Cambridge, 1980), 7; Cyril Mango, *Byzantine Architecture* (New York, 1985), 180–81; Aleksei I. Komech, *Drevnerusskoe zodchestvo kontsa X–nachala XII v.* (Moscow, 1987), 133, 168; William Craft Brumfield, *A History of Russian Architecture* (Cambridge, 1993), 10; Pavel A. Rappoport, *Building the Churches of Kievan Russia* (Aldershot and Brookfield, 1995), 89; and Olenka Z. Pevny, "Kievan Rus'." in *The Glory of Byzantium: Art and Culture of the Middle Byzantine Era A.D. 843–1261*, ed. Helen C. Evans and William D. Wixom (New York, 1997), 282.

<sup>2</sup> *Povest' vremennykh let [PVL]*, ed. V. P. Adrianova-Peretts, pt. 1 (Moscow and Leningrad, 1950), 83, 85. For an English text, see *The Russian Primary Chronicle*, trans. and ed. Samuel H. Cross and Olgerd P. Sherbowitz-Wetzor, 2d ed. (Cambridge, Mass., 1953), 119, 120.

Thus, in the oldest city citadel, archaeologists uncovered the remnants of a brick-and-stone circular palace which predated the Tithes Church. They convincingly associated this ornate edifice with the palatial court of Volodymyr's grandmother, Princess Olha (Olga, Ol'ga; 945–69), within the citadel.<sup>3</sup> Archaeological literature now commonly refers to it as “the palace of Princess Olha.”<sup>4</sup>

This earliest discovered Byzantine masonry edifice in the East Slavic lands, distinguished by an unusual rotundal form, is very significant and merits a detailed examination. The constructive and decorative techniques and materials of this palace, the question of its actual function (i.e., whether it was in fact a palace or a round church), the disputable dating of the structure's foundation and destruction, and the question of its master builders' origins (whether they were imported from Byzantium, the Crimea, or western Europe, or whether they were of local origin) are matters that still require clarification.<sup>5</sup> The present article will address only some of these intriguing issues: it explores the archaeological remnants of this edifice in light of recent research, discusses in length its functions, and evaluates the proposed graphic reconstruction of its architectural aspect. This work will also touch upon some important data regarding the origins of the architecture, construction methods, materials, decoration, and master builders of this palace, and regarding the date at which it was erected.<sup>6</sup>

#### THE PALACE REMNANTS

This monument is known solely from archaeological research. It was located in the central part of Kyiv's oldest citadel (about 2 hectares in area) on Staro-

<sup>3</sup> *Novoe v arkheologii Kieva*, ed. Petro P. Tolochko et al. (Kyiv, 1981), 63, 175–81; Petro Tolochko, *Kyivs'ka Rus'* (Kyiv, 1996), 322. See also nn. 8 and 9 below.

<sup>4</sup> See, for instance, Iaroslav Ie. Borovs'kyi, *Svitohliad davnikh kyian* (Kyiv, 1992), 59; and Pavel A. Rappoport, *Drevnerusskaia arkhitektura* (St. Petersburg, 1993), 259.

<sup>5</sup> On the question of the structure's function, see below at nn. 83 and 89. On the dating of its foundation, see Pavel A. Rappoport, *Russkaia arkhitektura X–XIII vv.: Katalog pamiatnikov*, Arkheologiya SSSR: Svod arkhelogicheskikh istochnikov E1-47 (Leningrad, 1982), 8–9; and Yuri S. Asieiev, “Do pytannia pro styl'ovy periodyzatsiiu arkhitektury Kyivs'koi Rusi,” in *Starozhytnosti Rusi-Ukrainy*, ed. Petro P. Tolochko et al. (Kyiv, 1994), 90–91. On the origins of its master builders, cf. Petro P. Tolochko, *Drevnii Kiev* (Kyiv, 1983), 34–36; Yuri S. Aseev, “Zodchestvo drevnego Kieva X–XIII vv. v kontekste mirovogo arkhitekturnogo protsesa,” in *Drevnerusskii gorod* (Kyiv, 1984), 6; and Johan Callmer, “The Archaeology of Kiev to the End of the Earliest Urban Phase,” *Harvard Ukrainian Studies* 11 (1987): 335.

<sup>6</sup> I consider these two significant problems in more detail in my monograph, “The Beginning of Byzantine Architecture in Kyiv, Tenth Century: Origins of the Masters and Local Structural Features” (in preparation).

kyivs'ka Hill,<sup>7</sup> approximately 25 m. southwest of the National Historical Museum of Ukraine and northwest of the Tithes Church site (2 Volodymyrs'ka Street) (fig. 1). The remains of this palace were discovered by Vikentii Khvoika in 1908 and re-excavated by Volodymyr Honcharov and Petro Tolochko in 1970–72,<sup>8</sup> and by Viktor Kharlamov in 1981–82.<sup>9</sup>

### *Foundations and Superstructure.*

On the basis of his excavations of the entire edifice's remnants, architect Viktor Kharlamov concluded with good reason that it had a rotundal layout. This rotunda had an inner diameter of approximately 14.5 m. and an outer diameter of about 17.5 m.; the structure was reinforced with massive buttresses and had a small vestibule or tambour with the entrance situated on the southern side (figs. 1, 2); and the tambour's doorway was decorated with a stone portal.<sup>10</sup>

In the late 1980s, the surviving foundation fragments of this edifice were restored according to the circular groundplan suggested by Kharlamov (plate 2b). This monument is now exhibited at its original site on the Starokyivs'ka Hill (in the "Old Kyiv" Park-Museum). Nevertheless, given the very fragmentary state of the uncovered remnants of this palace, its rotundal reconstruction remains hypothetical. Further excavations are needed to establish the exact layout of this building.

The construction technique of this palace's foundations is complex and in many respects unusual for the architecture of Rus'. The width of these foundations is 1.50 to 1.60 m. and its height ranges between 45 and 70 cm. They consist of two parallel facing walls of stone and brick with a rubble core set on clay mortar in between (fig. 3; plates 1, 2a). The average width of these walls

<sup>7</sup> On the historical topography of medieval Kyiv, see Petro P. Tolochko, *Istorychna topohrafiia starodavn'oho Kyieva* (Kyiv, 1972), esp. 55–57; Volodymyr I. Mezentssev, "The Territorial and Demographic Development of Medieval Kiev and Other Major Cities of Rus': A Comparative Analysis Based on Recent Archaeological Research," *The Russian Review* 48 (1989): 145–70; and Oleg M. Ioannisyan, "Archaeological Evidence for the Development and Urbanization of Kiev from the 8th to the 14th Centuries," in *From the Baltic to the Black Sea: Studies in Medieval Archaeology*, ed. David Austin and Leslie Alcock (London, 1990), 285–312.

<sup>8</sup> Petro P. Tolochko, "Nove u vyvchenni Kyieva," *Arkheolohiia* 26 (Kyiv, 1978): 92–93.

<sup>9</sup> Viktor A. Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury Kiieva X–XIII vv.," in *Arkheologicheskie issledovaniia Kiieva 1978–1983 gg.* (Kyiv, 1985), 106–10. I am deeply indebted to the late Dr. Viktor A. Kharlamov (the Institute of Archaeology of the Ukrainian National Academy of Sciences, Kyiv) who kindly showed me the uncovered structure in 1982 and generously shared his observations.

<sup>10</sup> Ibid.

is 30 to 35 cm. Flat slabs of pink Ovruch slate were laid horizontally on the loess subsoil or sometimes on the solid humus at the facing wall's base. One row of thin square bricks ( $32 \times 32 \times 2-2.8$  cm.) was placed on clay over these slabs on both walls. All four or at least some of the sides/edges of these bricks slant at  $20-25^\circ$  or  $60^\circ$  angles. Massive iron spikes were vertically nailed in some places on the joints between the bricks. Over the latter, two to three layers of massive round granite boulders were carefully set on clay.<sup>11</sup>

The space between the two facing walls was filled with a mixed rubble of tiny stones, brick-bats (2.5–3 cm. thick), and fragments of ceramic dross. A row of larger rough stones was placed at the bottom of this core. Liquid clay mortar was poured over this rubble. On top of the foundation, a levelling layer of broken thin bricks, many ceramic roof tiles, and fragments of slate slabs was laid on clay.

The circular palace's foundations have dimensions similar to those of the larger so-called Eastern, Southern, and Western princely palaces, the remnants of which have been excavated around the Tithes Church site (fig. 1).<sup>12</sup> These later palaces evidently were commissioned by Prince Volodymyr simultaneously with this palatine church ca. 989–96 in order to create a cohesive princely court complex (figs. 11, 12). The foundations of all of them are comparatively low in height (40–65 cm.), probably because, as will be shown, these brick-and-stone palaces had lighter wooden upper storeys and ceilings and no masonry vaults.

Some of the construction techniques and materials of the circular palace's foundation correspond to those of Byzantine structures in Rus', especially Kyivan edifices of the late tenth to mid-eleventh century that were erected by imported Constantinopolitan masters. They used the same sorts of building stones: granite boulders and grey sandstone from the Middle Dnieper area (the Kyiv region or the Ros' River basin) as well as red quartzite and Ovruch slate from Volhynia, Western Ukraine.<sup>13</sup> The practice of placing brick courses within the stonework of the palace's foundation and paving its top edge with a levelling layer of broken bricks and Ovruch slate slabs was used comparably in the

<sup>11</sup> Iaroslav E. Borovskii, "Svetskie postroiiki," in *Novoe v arkheologii Kiev*, 175–79; Viktor A. Kharlamov, "Issledovaniia dvortsovoi postroiiki na Starokievskoi gore," in *Arkheologicheskie otkrytiia 1981 goda* (Moscow, 1983), 328; idem, "Issledovaniia kamennoi monumental'noi arkhitektury," 106–7.

<sup>12</sup> See Mikhail K. Karger, *Drevnii Kiev*, 2 vols. (Moscow and Leningrad, 1958–61), 2:66, 68–69, 73–75; Yurii S. Aseev, *Arkhitectura drevnego Kiev* (Kyiv, 1982), 26–27; and Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 111–12.

<sup>13</sup> Karger, *Drevnii Kiev* 2:28, 30, 66, 69, 75, 89–91, 177, 236, 242; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 7, 9–13, 15. See also p. 259 and n. 77 below.

structures of Kyiv, Chernihiv, and Pereiaslav dating from the mid-eleventh century and the first half of the twelfth century.<sup>14</sup>

However, the construction methods and materials employed at this palace's foundations, such as its two facing walls with a rubble core filling set on clay mortar, were unusual for the Byzantine monumental architecture of Rus' from the tenth century to the mid-twelfth century. Besides the circular palace, clay mortar has been discovered only in the rubble footing of Kyiv's late tenth-century Sophia Gate.<sup>15</sup> In all the other researched Byzantine structures of Rus', unfaced mixed rubble, sometimes alternating with levelling brick layers, was set on lime mortar with an admixture of crushed bricks.<sup>16</sup> Also, prior to the 1130s, mortared wooden substructures—vertical piles and horizontal beam groundsels, or the latter alone—were, as a rule, installed at the base of such foundations.<sup>17</sup>

Therefore, the significant differences between the building techniques and materials of the circular palace's foundations and those of Rus' structures of the Christian period, beginning with the Tithes Church, demonstrate persuasively that other Byzantine masters erected this palace, earlier than the Conversion of Rus' of 988. The stratigraphical observations also support its early dating: i.e., under the foundations of this edifice, archaeologists discovered objects and finds with exclusively ninth- or tenth-century dates and no later mate-

<sup>14</sup> On the use of broken bricks in the construction of foundations, see Yu. S. Aseev, M. I. Sikorskii, and R. A. Iura, "Pamiatnik grazhdanskogo zodchestva XI v. v Pereiaslavle-Khmel'nitskom," *Sovetskaia arkheologiia* 1967, no. 1: 202, 207–9, and fig. 8; Mykola V. Kholostenko, "Uspens'kyi sobor Pechers'koho monastiria," in *Starodavnii Kyiv* (Kyiv, 1975), 115 and fig. 7; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 21, 25, 34, 41–42, 80; Vladimir P. Kovalenko and Pavel A. Rappoport, "Novyi pamiatnik vizantiiskogo zodchestva na Chernigovskom detintse," in *Iuzhnaia Rus' i Vizantiia* (Kyiv, 1991), 146; Mykhailo A. Sahaidak, *Davn'okyivs'kyi Podil* (Kyiv, 1991), 110; and Nikolai N. Korinnyi, *Pereiaslavskaia zemlia (X–pervaia polovina XIII veka)* (Kyiv, 1992), 214, 221. On the application of Ovruch slate slabs in levelling the foundation, see Sergei A. Vysotskii, *Zolotyie vorota v Kieve* (Kyiv, 1982), 64; and Iaroslav E. Borovskii and Mikhail A. Sagaidak, "Arkheologicheskie issledovaniia Verkhnego Kieva v 1978–1982 gg.," in *Arkheologicheskie issledovaniia Kieva 1978–1983 gg.*, 54–55, 57.

<sup>15</sup> Ilia M. Samoilovs'kyi, "Mis'ka brama X st. u Kyievi," *Arkheolohiia* 19 (1965): 185–86.

<sup>16</sup> See, for instance, Karger, *Drevnii Kiev* 2:27–31, 62–66, 68–69, 75, 176, 177, 244, 452–53; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 7, 9–10, 12, 16, 21, 25, 34, 41–42, 80; and also see n. 14 above.

<sup>17</sup> Komech, *Drevnerusskoe zodchestvo*, 260–61; Rappoport, *Building the Churches*, 89–98 and figs. 45–50. A comparable method of laying foundations in Byzantine architecture is examined by S. Tsotsos, Th. Hatzigogos, N. Manou-Andreadis, K. Theoharidou, and V. Xanthos, "Geotechnical Problems of the Foundations of Byzantine and Post-Byzantine Monuments in Thessaloniki, Greece," in *The Engineering Geology of Ancient Works, Monuments and Historical Sites: Preservation and Protection*, ed. Paul G. Marinos and George C. Koukis (Rotterdam and Brookfield, 1988), 488, 494, and fig. 8.

rials.<sup>18</sup> This evidence helps to date the construction of the circular palace to the mid-tenth century and to connect it with Princess Olha.

The mixed stone-and-brick method of laying foundations with both facing walls or unfaced rubble set on lime and crushed-brick mortar is known in the architecture of Constantinople. It has been revealed, for example, in the trench-built foundations of some Early Byzantine structures of the Great Imperial Palace.<sup>19</sup> In the Church of St. Polyeuktos (524–27), some portions of the mortared rubble foundations were similarly faced or revetted with rough stones and no wooden substructures have been discovered.<sup>20</sup> Although the use of clay binding mortar in monumental architecture was not common (or rather not yet detected) in Constantinople<sup>21</sup> or in early Rus', it was widely applied in both the foundations and superstructures of Byzantine buildings in Thessaloniki, Greece,<sup>22</sup> and in Preslav, Bulgaria.<sup>23</sup>

No fragment of walls has been preserved in situ. Only their scant ruins were found as a thick debris layer above and nearby the palace's foundations. These remnants of the superstructure contain broken bricks and rough stones—granite, quartzite, and Ovruch slate—as well as fragments of slaked lime mortar with a hydraulic admixture of granulated bricks. Some massive granite boulders bear the traces of processing (plate 2a). There were also uncovered fragments of plaster with frescoes and much remains of burned logs, beams, planks, charcoal, ashes, iron nails and spikes.<sup>24</sup> The chemical analysis of the circular palace's bricks, binding mortar, and fresco plaster has shown that their compositions are close to those of the Tithes Church and pagan sanctuary of 980.<sup>25</sup>

<sup>18</sup> Petro P. Tolochko, "Novye arkheologicheskie otkrytiia v Kieve," *Voprosy istorii* 1973, no. 4: 211.

<sup>19</sup> John B. Ward-Perkins, "Notes on the Structure and Building Methods of Early Byzantine Architecture," in *The Great Palace of the Byzantine Emperors: Second Report*, ed. David Talbot Rice (Edinburgh, 1958), 57.

<sup>20</sup> R. M. Harrison, *Excavations at Saraçhane in Istanbul*, vol. 1 (Princeton and Washington, D.C., 1986), 412, 413.

<sup>21</sup> I am deeply grateful to architectural historian Professor Robert G. Ousterhout of the University of Illinois for his invaluable instruction and discussions on the building techniques and materials of the Constantinopolitan school and other Byzantine centres and for permission to consult the manuscript of his monograph *Byzantine Masons at Work* (Princeton University Press, forthcoming).

<sup>22</sup> Tsotsos et al., "Geotechnical Problems of the Foundations of Byzantine and Post-Byzantine Monuments," 488.

<sup>23</sup> Dimit'r Ovcharov, Zhivko Aladzhov, and Nikolai Ovcharov, *Golemiiat tsarski dvorets v"v Veliki Preslav*, vol. 1 (Sofia, 1991), 9, 13, 24, 26–27, 43.

<sup>24</sup> Borovskii, "Svetskie postroiki," 176, 178–80; Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 106, 108.

<sup>25</sup> For the results of chemical analysis of the palace remnants, see Iaroslav E. Borovskii, *Mifologicheskii mir drevnikh kievlian* (Kyiv, 1982), 48. The remains of the pagan sanctuary

On the basis of these finds, the researchers of this palace convincingly assert that it had a masonry ground floor and an upper storey (or storeys) of wood covered with plaster and frescoes in the interior (fig. 11).<sup>26</sup> The masonry walls were made of brick and stone set on pink lime and crushed-brick mortar. Unfortunately, because the excavations have not yielded any intact fragments of these walls, the specific brickwork method has not been established. Very likely, however, they consisted of two facing walls built by alternating bands of bricks and rough stones with a rubble core similar to the technique of palace's foundations. Such a technical and decorative method of wall construction, known as *opus mixtum* and descended from Roman architecture, was widespread in Constantinople, the medieval Balkans, western Asia Minor, and tenth- to early twelfth-century Rus'.<sup>27</sup>

The palace's walls were apparently built with very thin square bricks (32×32×2–3 cm.) that have edges slanting at an angle of 20 to 60 degrees. These were discovered both in the foundations and among the wall debris.<sup>28</sup> The dimensions and shapes of these bricks, including their peculiar slanted edges, were typical of Kyivan monumental architecture of the tenth century and

or *kapyshche* were excavated southeast of the Tithes Church, at 3 Volodymyrs'ka Street in 1975. The archaeologists have conclusively identified it with the pagan cult site that Prince Volodymyr erected ca. 980 and dedicated to the main East Slavic god Perun (Petro P. Tolochko and Iaroslav Ie. Borovs'kyi, "Iazychnyts'ke kapyshche v 'horodi' Volodymyra," in *Arkeolohiia Kyieva. Doslidzhennia i materialy* [Kyiv, 1979], 3–10; Petro P. Tolochko, "Religious Sites in Kiev During the Reign of Volodimer Sviatoslavich," *Harvard Ukrainian Studies* 11 [1987]: 318–19). This structure's foundations were made of rough stones set on clay and contained numerous reused thin bricks, ashlar, fresco plaster and marble bits, and other masonry materials and wall fragments. Probably these materials were reemployed from the ruins of the tenth-century Byzantine church of the pre-Christian era that was destroyed by the pagans in 971–72 (see Mykhailo Iu. Braichevs'kyi, *Utverdzhennia Khrystyianstva na Rusi* [Kyiv, 1988], 104; and Borovs'kyi, *Svitohliad*, 58–66, esp. 59–61). In all likelihood, this church stood near the Perun sanctuary on the site of the late twelfth-century rotunda, i.e., the presumed location of the Princess Olha's out-of-town court (945). Apparently this edifice belonged to a small domed cruciform palatial church or chapel and was commissioned by Olha in late 950s or early 960s simultaneously with the erection of the circular palace at her princely court in the citadel. (The remnants of this church will be closely scrutinized in my monograph in progress, "The Beginning of Byzantine Architecture in Kyiv.")

<sup>26</sup> *Novoe v arkeologii Kieva*, 63, 178–79, 180; Tolochko, *Drevnii Kiev*, 35–36; Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 106, 110; Callmer, "Archaeology of Kiev," 335 and fig. 10.

<sup>27</sup> Mango, *Byzantine Architecture*, 9–10 and figs. 1, 4, 5; Robert G. Ousterhout, *The Architecture of the Kariye Camii in Istanbul* (Washington, D.C., 1987), 127–28; Rappoport, *Building the Churches*, 109.

<sup>28</sup> Borovskii, "Svetskie postroiiki," 175, 176; Kharlamov, "Issledovaniia dvortsovoi postroiiki," 328; idem, "Issledovaniia kamennoi monumental'noi arkhitektury," 106; Avraam Miletskii and Petro Tolochko, *Park-muzei "Drevnii Kiev"* (Kyiv, 1989), 54.



analogous to the bricks in the Tithes Church, the Eastern palace, and the above-mentioned pagan sanctuary of 980.<sup>29</sup> Many of the bricks in the circular palace, however, have a thickness from 2 to 2.5 cm.<sup>30</sup> They appear to be slightly thinner—by about 0.5 cm.—than the average size or main brick standard used in the Tithes Church (31×31×2.5–3 cm.) or the square bricks of the Kyivan Sophia Gate (2.5–3 cm. thick).<sup>31</sup> This gate, the same as the church, was constructed by Volodymyr ca. 989–96.<sup>32</sup> The thickness of Byzantine flat bricks (*plinthoi*) employed in Rus' is an important chronological indicator. In the eleventh century bricks were from 3 to 4 cm. thick in average, and in the twelfth century about 4 to 5 cm., while the tenth-century bricks were the thinnest—2 to 3 cm. Thus, the unique thinness of the bricks of the circular palace (from 2 to 2.5 cm.) is additional evidence of an earlier date of its foundation, probably in the mid-tenth century.

Flat bricks of comparable dimension and square form were current in the Constantinopolitan building school during the Early and Middle Byzantine periods (plate 3a).<sup>33</sup> Specifically, thin bricks with slanted edges are also known in

<sup>29</sup> See Karger, *Drevnii Kiev* 1:456; 2:27, 49, 66; Mykola V. Kholostenko, "Z istorii zodchestva Drevn'oi Rusi X st.," *Arkheolohiia* 19 (1965), fig. 8; Aseev, *Arkhitektura drevnego Kieva*, 26, 31; Miletskii and Tolochko, *Park-muzei*, 137; Borovs'kyi, *Svitohliad*, 58; and see also n. 31 below.

<sup>30</sup> Kharlamov, "Issledovaniia dvortsovoi postroiki," 328;

<sup>31</sup> On the bricks of the Tithes Church, see Ielyzaveta Arkhypova, "Budivel'ni materialy Desiatynnoi tserkvy," in *Tserkva Bohorodytsi Desiatynna v Kyievi*, ed. Petro Tolochko (Kyiv, 1996), 55–56 and fig. 1. On the Sophia Gate bricks, see Samoilovs'kyi, "Mis'ka brama X st.," 184, 187.

<sup>32</sup> Tolochko, *Istorična topohrafiia starodavn'oho Kyieva*, 74; Rappoport, *Drevnerusskaia arkhitektura*, 30, 260.

<sup>33</sup> This comparison is based on my own measurements of the sizes of bricks on the facades of the fifteen ninth to twelfth century structures in Istanbul and Thessaloniki in 1992. Also see the dimensions of Byzantine bricks presented in R. Demangel and E. Mamboury, *Le quartier des Manges et la première région de Constantinople* (Paris, 1939), 37 n. 2, 85 n. 3, and fig. 43; *The Great Palace of the Byzantine Emperors: Second Report*, ed. Rice, 63; Cyril Mango, *The Brazen House: A Study of the Vestibule of the Imperial Palace of Constantinople* (Copenhagen, 1959), 185, 188; Berge Aran, "The Church of Saint Theodosia and the Monastery of Christ Euergetes," *Jahrbuch der Österreichischen Byzantinistik* 28 (1979): 224, 225, and Tables I and II (see the length and thickness of the bricks [cols. a and b] of the eleventh- to fourteenth-century Constantinopolitan structures such as Gül Camii, St. Mary Pammakaristos [outer north aisle], the Church of Christ of the Chora [parecclesion and north chapel], Sinan Paşa Mescidi, Bogdan Saray, and Kilise Camii); Cecil L. Striker, *The Myrelaion (Bodrum Camii) in Istanbul* (Princeton, 1981), 17, 30; James Morganstern, *The Byzantine Church at Dereāḡzi and Its Decoration* (Tübingen, 1983), 62, 74 (see the brick sizes of types C–E, esp. type D); Mehmet I. Tunay, "Türkiye'deki bizans mimarisinde taş ve tuğla tekniğine göre tarihlendirme," in *Sanat tarihi yillığı (Kunsthistorische Forschungen)* 13

extant Byzantine monuments. For example, they have been revealed in the facade of the Tower Prison (*Anemas*; 1100) in the Blachernae Walls of Constantinople and in the presumably tenth-century repair of an interior apse wall of the St. George Rotunda in Thessaloniki, Greece (plate 3b–d).<sup>34</sup> Hence, the comparative analysis of the size and shape of bricks employed in the circular palace indicates its construction by Byzantine, apparently Constantinopolitan, masons.

The circular palace, like the late tenth-century Kyivan palaces, evidently had timber ceilings, even over its lower masonry floor,<sup>35</sup> given their shallow foundations. In fact, no remnants of masonry vaults, particularly mortared ceramic resonators or *holosnyky* from their fillings, have been found among these structures' debris.

Like the Tithes Church and some adjacent palaces, the edifice under investigation was roofed with ceramic tiles. These tiles have a slightly convex elongated rectangular shape with a width of 15 cm. and 21 cm. Fragments discovered at the circular palace are 2 to 2.5 cm. thick, while the length of the tiles has not been determined. They are devoid of any stamps or inscriptions. Before being baked, however, their surfaces were usually marked with broad arched finger lines that would allow the tiles to adhere better to the mortar.<sup>36</sup>

The roofing tiles found at the circular palace likely represent an *imbrex* or *kalypter* type. The same type of the convex ceramic roof tiles with a similar width of 19–20 cm. and 15 cm. (on the narrower end) and a length of 31–32 cm. was used in the late tenth-century Eastern palace in Kyiv.<sup>37</sup> In other excavated structures of tenth- and eleventh-century Rus' where ceramic roofing tiles have been discovered, such as the Tithes Church or the masonry civil edi-

(Istanbul, 1988), 229. I acknowledge art historian, Professor Mehmet I. Tunay of the University of Istanbul for permission to use his doctoral thesis and its abstract and for his helpful advice. My thanks also to Professor Metin Ahumbay (Istanbul Technical University) for his kind permission to make pictures of the Constantinopolitan bricks from his own findings and to measure them (plate 3a).

<sup>34</sup> I discovered and measured the slanted bricks in these edifices in 1992. I would like to thank cordially Dr. Aristotle Mentzos of the University of Thessaloniki for his guidance of the St. George Rotunda and valuable discussions on its construction technique and materials. I also express my gratitude to architectural historian Dr. Kalliopi Theocharidou, the researcher of the Rotunda, for her generous permission to publish my photos of the slanted bricks (plate 3c–d) and for her detailed consultations.

<sup>35</sup> See Yurii S. Aseev, "Monumental'naia kamennaia arkhitektura," in *Arkheologiya Ukrainskoi SSR*, vol. 3 (Kyiv, 1986), 354.

<sup>36</sup> Borovskii, "Svetskie postroiki," 176, 180; Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 106.

<sup>37</sup> Miletskii and Tolochko, *Park-muzei*, 137–38.

fice (ca. 1089) at the bishop's court in Pereiaslav, the tiles are of another type (*tegula*) with larger dimensions and more complex curved rectangular shapes.<sup>38</sup>

Petro Tolochko draws an analogy in form and size between the circular palace's roof tiles and those current in ninth- or tenth-century Crimea.<sup>39</sup> In this period, however, both *imbrices* and *tegulae* of various dimensions were also widely used in Bulgaria, Byzantium, Asia Minor, and Transcaucasia. They had been employed there since antiquity.<sup>40</sup> On the other hand, the more specific Crimean ceramic roof tiles called *keramides*, with a flat rectangular shape and vertically turned sides,<sup>41</sup> are unknown in Rus'. Moreover, the roofing tiles found in Rus' have no stamped signs or inscriptions, which were a hallmark of the tiles made in the medieval Crimea, Dobruja, Bulgaria, Georgia, or Armenia. In ninth- and tenth-century Constantinople, Greece, and Asia Minor, the ceramic roof tiles were typically without stamps and inscriptions, in contrast to some of the Byzantine bricks bearing these.<sup>42</sup> Therefore, the comparative analysis of the circular palace's roofing tiles suggests that its master builders originated from the central part of Byzantium rather than from the Crimea, Bulgaria, or Transcaucasia.

Hence, this examination of the construction techniques and materials of the circular palace's foundations and superstructure supports the view regarding the pre-Christian (pre-988) dating of this edifice and its association with the palatine court of Princess Olha in Kyiv's citadel. According to written sources, Olha, the first Christian ruler of Rus', commissioned several churches in Kyiv and Pskov in the mid-tenth century.<sup>43</sup> She also travelled to Constantinople with a diplomatic and commercial mission on one or two occasions between 954/55

<sup>38</sup> Aseev et al., "Pamiatnik grazhdanskogo zodchestva," 210; Pavel A. Rappoport, *Stroitel'noe proizvodstvo Drevnei Rusi (X–XIII vv.)* (St. Petersburg, 1994), 100–101; Arkhypova, "Budivel'ni materialy Desiatynnoi tserkvy," 57 and fig. 2.

<sup>39</sup> Tolochko, *Drevnii Kiev*, 35.

<sup>40</sup> Stefka Angelova, "Za proizvodstvoto na stroitelna keramika v Severoiztochna B"lgariia prez rannoto srednovekovie," *Arkheologiya* 13, no. 3 (Sofia, 1971): 10–20 and Tables III–IV; Totiu Totev and Pavel Georgiev, "Dve ts"rkvi v Preslav," in *Pliska-Preslav*, vol. 1 (Sofia, 1979), 23, 27.

<sup>41</sup> Regarding the ceramic roofing tiles of medieval Crimea, see Anatolii L. Iakobson, *Keramika i keramicheskoe proizvodstvo srednevekovoi Tavriki* (Leningrad, 1979), 26–28, 64–70, 93–108; and Oleg I. Dombrovskii, "Srednevekovi Khersones," in *Arkheologiya Ukrain-skoï SSR* 3:547.

<sup>42</sup> See Cyril A. Mango, "Byzantine Brick Stamps," *American Journal of Archaeology* 54 (1950): 19–27; Anatolii L. Iakobson, *Srednevekovi Krym* (Moscow and Leningrad, 1964), 65, 67; and see n. 41 above.

<sup>43</sup> Vasilii N. Tatishchev, *Istoriia rossiiskaia*, 7 vols. (Moscow and Leningrad, 1962–68), 1:106, 111, 2:241; see also Tolochko, "Religious Sites in Kyiv," 321, 322; and Braichev's'kyi, *Utverdzhenia Khrystyianstva*, 95–97.

and 957 and maintained political and ecclesiastical relations with the Emperor Constantine VII Porphyrogenitus (913–59) and the Ecumenical Patriarch.<sup>44</sup> In all likelihood, it was Olha who invited Constantinopolitan masters to construct this masonry palace (or the princely court complex) and possibly the palatial church in Kyiv after her visit (or visits) to the Byzantine capital, i.e., after 955.<sup>45</sup> Constantine VII († 959), whose diplomatic meetings and exchanges of embassies with Olha are confirmed by both Rus' and Byzantine historical sources,<sup>46</sup> could have dispatched master builders from the prestigious Constantinopolitan school on her request sometime between 955 and 959. Therefore, using this artel, Olha probably commissioned the circular palace and her other Byzantine masonry edifices in the latter half of 950s or in the early 960s.

### *Decoration.*

Finds of the figured bricks<sup>47</sup> show that the palace's facades apparently bore brickwork patterns typical of Byzantine architecture. Its interior was richly adorned. The floor was paved with polychrome glazed ceramic tiles (13×10×1.5 cm.), dark brown, green, and yellow in colour. These tiles have an unusual

<sup>44</sup> See, for instance, Omeljan Pritsak, "When and Where was Ol'ga Baptized?" *Harvard Ukrainian Studies* 9 (1985): 12–21; Ludolf Müller, *Die Taufe Rußlands* (Munich, 1987), 73–82; Jeffrey Featherstone, "Ol'ga's Visit to Constantinople," *Harvard Ukrainian Studies* 14 (1990): 293–312; Andrzej Poppe, "Once Again Concerning the Baptism of Olga, Archontissa of Rus'," *Dumbarton Oaks Papers* 46 (1992): 271–73; and Simon Franklin and Jonathan Shepard, *The Emergence of Rus 750–1200* (London and New York, 1996), 134–38.

<sup>45</sup> On Olha's masonry church, see n. 25 above. The Rus' Chronicle reports that Olha was dissatisfied with the results of her negotiations with Constantine VII in Constantinople (*PVL* 1:45). The German annal also informs that in 959 she requested Otto I, king of the German lands to provide a bishop and priests for Rus'. This Saxonian Catholic mission, however, was unsuccessful and withdrew from Kyiv in 962 (Adalbert, *Continuatio Reginonis*, in *Quellen zur Geschichte der sächsischen Kaiserzeit*, ed. Albert Bauer and Reinhold Rau [Darmstadt, 1971], 214–19). The latter demonstrated that the growing church organization in Rus' had retained its devotion to the Greek Orthodox rite and its traditional links with Byzantium notwithstanding the occasional dissents in political relations. Even military conflicts between the two countries did not necessarily preclude the participation of Byzantine builders and artists in the construction and decoration of the churches, monasteries, and princely palaces in Rus'. The vivid example is the erection of the St. Sophia cathedrals in Kyiv (1037–47) and in Novgorod (1045–50) by imported Constantinopolitan masters during the last major war between Rus' and Byzantium waged from 1043 to 1046. (On this war, see *PVL* 1:103–4; and Dimitri Obolensky, *The Byzantine Commonwealth* [London, 1971], 224–25.)

<sup>46</sup> *PVL* 1:44–45. For an English translation of Constantine VII Porphyrogenitus, *De ceremoniis* 2.15, describing Olha's official receptions by the emperor, see Featherstone, "Ol'ga's Visit to Constantinople," 303–5.

<sup>47</sup> Tolochko, "Novye arkheologicheskie otkrytiia," 210.

cross-like shape with a semicircular projection on their short side and the curved cuts of both corners on the opposite end (fig. 4a).<sup>48</sup>

Glazed ceramic tiles and plaques of various forms, sizes, and colours were popular in decorating wealthy structures in the Islamic world, Bulgaria, and Byzantium, and particularly in Constantinople from the ninth century or earlier.<sup>49</sup> Likewise, monochrome and polychrome glazed ceramic tiles were widely used for floor paving and possibly wall revetment in the architecture of Rus' throughout the tenth to mid-thirteenth centuries.<sup>50</sup> Their dimensions and shapes vary considerably.

Nevertheless, the specific complex form of the tiles from the Kyivan circular palace has no parallel in Rus'. This represents, therefore, an unusual feature of its floor paving design. Moreover, the floors of the Eastern and Southern palaces were paved with white marble, red quartzite, and pink Ovruch slate slabs.<sup>51</sup> Glazed ceramic tiles have been found in none of the late tenth-century Kyivan palaces, and only in the Tithes Church.<sup>52</sup>

The colours of the tiles' glazes from the circular palace—green, yellow, and brown—were, however, most common for glazed wares of Rus', Byzantium (Constantinople), medieval Crimea (Chersonesos, Eski-Kermen, and Theodosia), and the northeastern Black Sea Region (Tmutarakan' and Sarkel).<sup>53</sup> Yet in the case of the Crimean centres, local production of glazed ceramic began to

<sup>48</sup> Kharlamov, "Issledovaniia dvortsovoi postroiki," 328; idem, "Issledovaniia kamennoi monumental'noi arkhitektury," 110 and fig. 7.

<sup>49</sup> Recent works include Malcolm Davidson, "Sources of Art in Post-Conversion Bulgaria: The Evidence of the Preslav Tiles," in *Pliska-Preslav*, vol. 3 (Sofia, 1981), 71–73; and R. B. Mason and M. Mundell Mango, "Glazed 'Tiles of Nicomedia' in Bithynia, Constantinople, and Elsewhere," in *Constantinople and Its Hinterland*, ed. Cyril Mango et al. (Aldershot and Brookfield, 1995), 313–31.

<sup>50</sup> See Boris A. Rybakov, *Remeslo Drevnei Rusi* (Moscow, 1948), 359–61; and Tat'iana Makarova, *Céramique vernissée de l'ancienne Russie* (Moscow, 1972), 16–17, 20.

<sup>51</sup> Miletskii and Tolochko, *Park-muzei*, 132, 137.

<sup>52</sup> Karger, *Drevnii Kiev* 2:59 and fig. 18; Nina Samokhatko, "Frahmenty pidlohy Desiatynnoi tserkvy," in *Tserkva Bohorodytsi Desiatynna v Kyievi*, ed. Tolochko, 60.

<sup>53</sup> Rus': O. R. Tyshchenko, "Do pytannia pro tekhniku vyhotovlennia davn'orus'kykh polyv'iannykh keramichnykh plytok," *Arkheolohiia* 24 (1970): 77, 82, esp. 86–87; Oleh P. Koshovy, *Budivel'na keramika Ukrainy* (Kyiv, 1988), 43; and see n. 52 above.

Byzantium: David Talbot Rice, *Byzantine Glazed Pottery* (Oxford, 1930), 11–12, 14, 113 and pl. IX; idem, "Byzantine Polychrome Pottery," *Cahiers archéologiques* 7 (1954): 73–77; Elizabeth Ettinghausen, "Byzantine Tiles from the Basilica in the Topkapu Sarayi and Saint John of Studios," *ibid.*, 83–84 and pl. XXXI.

The Crimea and northeastern Black Sea Region: Anatolii L. Iakobson, *Srednevekovi Khersones (XII–XIV vv.) (=Materialy i issledovaniia po arkheologii SSSR 17* [Moscow and Leningrad, 1950]), 171–77, 178–87, 195–97; idem, *Keramika i keramicheskoe proizvodstvo*, 84, 120–46, and fig. 91.

develop only in the twelfth or thirteenth century,<sup>54</sup> and glazed ceramic tiles, plaques, or icons—whether imported or locally made—were atypical of the architectural decoration in the Crimea during the Byzantine reign. This presents a strong argument against existing opinions proposing the Crimean provenance of the architecture and construction technique of the circular palace as well as the Tithes Church,<sup>55</sup> given that both of them were paved with glazed ceramic floor tiles since their foundation in the tenth century.

Domestic manufacturing of glazed ceramic was initiated in Kyiv with the participation of Byzantine glass or enamel makers in the late tenth century for the purpose of the decoration of the Tithes Church.<sup>56</sup> Consequently, glazed floor tiles for the mid-tenth-century circular palace, as well as its masters, could have been imported from Byzantium, or the masters could have fashioned them locally in Kyiv together with bricks and ceramic roofing tiles specifically for this and possibly for other projects of Olha.

Fragments of fresco plaster from the interior wall decoration of this palace have been found in large amounts. They are of pink, red, yellow, green, blue, and other colours, and some contain green lines from a certain ornamental pattern. The predominance of pink and red fresco finds suggests that these colours were used for the background of this mural painting.<sup>57</sup>

One fragment of red fresco plaster contains a graffito depicting a harnessed running horse. Only the front part of this horse drawing was preserved on the fragment (fig. 4b).<sup>58</sup> The delineation of this horse, with its galloping motion, is quite realistic and professional; it was probably made by a manuscript miniaturist or mural/icon painter. A close parallel to it is found in a graffito representing a saddled horse with a bridle and harness which is located in the St. Michael altar apse of the St. Sophia Cathedral (1037) in Kyiv.<sup>59</sup>

The application of a fresco decoration in the circular palace presents some evidence against the participation of Bulgarian painters in its creation. Several art historians have contended that the fresco painting and ornamental stone carving of the Kyivan Tithes Church and St. Sophia Cathedral and Chernihiv's Transfiguration of the Savior Cathedral (1034) were executed by Bulgarian or

<sup>54</sup> Iakobson, *Srednevekovyi Krym*, 93–94.

<sup>55</sup> For these views, see David Roden Buxton, *Russian Mediaeval Architecture* (Cambridge, 1934), 13; Tamara Talbot Rice, *A Concise History of Russian Art* (New York and Washington, 1963), 15; and, on the circular palace, Callmer, "Archaeology of Kiev," 335.

<sup>56</sup> Makarova, *Céramique vernissée*, 16–17; and see also n. 64 below.

<sup>57</sup> Borovskii, "Svetskie postroiki," 178, 180; Kharlamov, "Issledovaniia dvortsovoi postroiki," 327, 328; and see n. 58 below.

<sup>58</sup> Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 108 and fig. 4.

<sup>59</sup> Sergei A. Vysotskii, *Drevnerusskie nadpisi Sofii Kievskoi XI–XIV vv.* (Kyiv, 1966), 117 (graffito no. 94), Table LXXIX.1.

Macedonian artists and thus bear analogies in medieval Balkan Slavic art.<sup>60</sup> Recent studies, however, date the introduction of monumental fresco painting to the First Bulgarian kingdom, notably in its capital Preslav, from the middle or the third quarter of the tenth century. In fact, the number of earliest fresco pieces attributed to the second part of this century is very limited in Bulgaria. Marble revetment along with glazed and painted ceramic tiles or icons dominated the interior wall embellishment of stone churches and palaces in tenth-century Preslav.<sup>61</sup> Therefore, it is improbable that Bulgaria exported its fresco painters to Kyiv as early as the 950s or 960s, when the circular palace was presumably erected and adorned. More likely the artists who painted this palace with fresco as well as its master builders were imported from Byzantium and especially from Constantinople, which was the main centre disseminating monumental architecture and art to the Slavic world.

Although no glass materials have been reported among the finds from the circular palace, its windows in both the lower masonry and top wooden storeys painted with frescoes might have been glazed with panes. Byzantine representative structures were, as a rule, provided with clear window glass or occasionally stained glass.<sup>62</sup> The panes were necessary for the daylight illumination of the interior mural paintings. Fragments of the window glass disks of the sort used in Byzantium have been discovered among the debris of the Eastern palace which was also embellished with frescoes and possibly mosaics.<sup>63</sup> Like the glazed ceramic, the local production of glass in Kyiv was begun by Byzantine and native Rus' craftsmen from the end of the tenth century.<sup>64</sup> In the circular palace of the mid-tenth century, imported Byzantine window panes could have

<sup>60</sup> N. P. Sychev, "Drevneishii fragment russko-vizantiiskoi zhivopisi," *Seminarium Kon-dakovianum* 2 (Prague, 1928): 91–104; Aseev, "Zodchestvo drevnego Kieva X–XIII vv. v kontekste mirovogo arkhitekturnogo protsessa," 7; V. G. Putsko, "Vizantiia i stanovlenie iskusstva Kievskoi Rusi," in *Iuzhnaia Rus' i Vizantiia* (Kyiv, 1991), 80, 81, 84, 86, 89.

<sup>61</sup> Ovcharov et al., *Golemiat tsarski dvorets* 1:69–70. I wish to thank the archaeologists Professor Dimitar Ovcharov and Dr. Nikolai Ovcharov of the National Museum of Archaeology, Sofia, as well as Professor Stefka Angelova (the University of Sofia) for their helpful consultations regarding the archaeology and architecture of the First Bulgarian kingdom.

<sup>62</sup> J. Henderson and M. Mundell Mango, "Glass at Medieval Constantinople: Preliminary Scientific Evidence," in *Constantinople and Its Hinterland*, ed. Mango, 334–38, 343, 346–48, 356, and figs. 2, 3, 10, 11.

<sup>63</sup> G. F. Korzukhina, "Novye dannye o raskopkakh V. V. Khvoiko na usad'be Petrovskogo v Kieve," *Sovetskaia arkheologiya* 25 (1956): 341; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 9.

<sup>64</sup> Iuliia L. Shchapova, *Steklo Kievskoi Rusi* (Moscow, 1972), 181–88; Thomas S. Noonan, "Technology Transfer Between Byzantium and Eastern Europe: A Case Study of the Glass Industry in Early Russia," in *The Medieval Mediterranean: Cross-Cultural Contacts*, ed. Marilyn J. Chiat and Kathryn L. Reyerson (St. Cloud, Minn., 1989), 105–11.

been utilized. Byzantine and medieval Islamic glass wares were exported over long distances.<sup>65</sup>

Furthermore, this palace was decorated with carved stones. Some fragments of greyish marble architectural details of Prokonnesian provenance have been uncovered on its site.<sup>66</sup> Among them is a small plain Byzantine impost block or possible impost capital, whose lower ornamented part (e.g., volutes of an Ionic capital) has been broken. The front side of this impost is 14 cm. in width and the height of this fragment is about 9 cm. (fig. 4c).

Marble capitals and imposts were rare in the architecture of Rus' and are known only in a few tenth- to early twelfth-century wealthy ecclesiastical edifices. Specifically, large marble and limestone impost blocks and impost capitals of Ionic order with relief ornamentation were used in the Tithes Church and the Transfiguration Cathedral in Chernihiv.<sup>67</sup> In these churches, they usually had crowned marble columns and supported springers of the arches in the lower arcades of the choir galleries at the cross arms.

A small impost/capital from the circular palace could have been placed on the tiny column's shaft or post dividing the windows, or on the thin column that might have carried the portal arch at this structure. Similar small plain or slightly decorated marble impost blocks and Ionic impost capitals with volutes at their base support the windows' and portals' arches in some extant Byzantine churches. Examples may be found at the Theotokos Church and the katholikon of Hosios Loukas Monastery in Phocis from the tenth and eleventh centuries, at the eleventh-century Kapnicarea Church in Athens, at the Palaeologan St. Catherine Church in Thessaloniki, Greece, and at the South Church of the Constantine Lips Monastery in Istanbul.<sup>68</sup> Also some fragments of the slender columns from the windows or portal were discovered among the remnants of Kyiv's Eastern palace.<sup>69</sup>

<sup>65</sup> Henderson and Mundell Mango, "Glass at Medieval Constantinople," 344.

<sup>66</sup> Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 108–10 and fig. 5.

<sup>67</sup> On the Tithes Church, see G. Iu. Ivakin and V. G. Putsko, "Impostnaia kapitel' iz kievskikh nakhodok," *Sovetskaia arkheologiia* 1980, no. 1: 293–99; Miletskii and Tolochko, *Park-muzei*, 124–28, 130, 131; and Ielyzaveta Arkhypova, "Arkhiturno-plastychnyi dekor ta sarkofahy Desiatynnoi tserkvy," in *Tserkva Bohorodytsi Desiatynna v Kyievi*, ed. Tolochko, 61–62. On the Transfiguration Cathedral, see Nikolai V. Kholostenko, "Otkrytie v Chernigove," *Dekorativnoe iskusstvo SSSR* 5 (1967): 19–20; and Volodymyr I. Mezentssev, "The Masonry Churches of Medieval Chernihiv," *Harvard Ukrainian Studies* 11 (1987): 370.

<sup>68</sup> André Grabar, *Sculptures byzantines du moyen âge II (XI<sup>e</sup>–XIV<sup>e</sup> siècle)* (Paris, 1976), pls. XVIIa,c–e, XXIIa–b; Mango, *Byzantine Architecture*, 118, 148–50, 155, figs. 173, 227, and pls. XI, XIV.

<sup>69</sup> Korzukhina, "Novye dannye o raskopkakh V. V. Khvoiko," 341; Miletskii and Tolochko, *Park-muzei*, 137.



Capitals and imposts, together with their columns and bases, as well as cornices, church choir parapets, tiles, sarcophagi, and other marble constructive or ornamental details or furniture found in early Rus' and the Crimea (medieval Chersonesos) originated primarily from Prokonnesos Island in the Sea of Marmara.<sup>70</sup> There was a major centre of marble extraction and processing that supplied Byzantium and its neighbours.<sup>71</sup> These traditional marble materials were likely transported to Kyiv by the Constantinopolitan masters who, as we believe, also built and embellished the circular palace. They had to provide marble elements, window glass, glaze enamel, smalt mosaic or its components, lead roofing sheets, and other indispensable Byzantine architectural and decorative materials for their projects in Khazaria (Sarkel) or Rus'.<sup>72</sup> The lands of Rus' lacked the natural resources of building marble and lead as well as the sustained domestic production of ceramic, glaze, and glass construction materials before the late tenth or early eleventh century (specifically in Kyiv).<sup>73</sup> It depended on import of some of these materials from Byzantium.

Marble, after all, was one of the most expensive imported building materials in Rus'. It adorned only the outstanding churches of the late tenth century to early twelfth century in the major Middle Dnieper cities, like the Tithes Church, St. Sophia Cathedral, St. George Church (1050–53), Assumption Cathedral (1073), and St. Michael Golden Dome Cathedral (1108) in Kyiv, the Transfiguration Cathedral in Chernihiv, and the St. Michael Cathedral (1089) in Pereiaslav.<sup>74</sup> Except for the palace under examination, the only two known

<sup>70</sup> Anatolii L. Iakobson, *Rannesrednevekovyi Khersones* (= *Materialy i issledovaniia po arkhologii SSSR* 63 [Moscow and Leningrad, 1959]), 132–52; Yurii S. Asieiev, *Dzherela. Mystetstvo Kyivs'koi Rusi* (Kyiv, 1980), 95–96.

<sup>71</sup> See John B. Ward Perkins, "Tripolitaniia and the Marble Trade," *The Journal of Roman Studies* 41 (1951): 103; Cyril Mango and Ihor Ševčenko, "Some Churches and Monasteries on the Southern Shore of the Sea of Marmara," *Dumbarton Oaks Papers* 27 (1973): 273 n. 197; and N. Asgari, "The Proconnesian Production of Architectural Elements in Late Antiquity, Based on Evidence from the Marble Quarries," in *Constantinople and Its Hinterland*, ed. Mango, 263–88.

<sup>72</sup> On the importation of marble capitals and other architectural details to the Sarkel fortress by Byzantine builders, see M. I. Artamonov, "Sarkel—Belaia Vezha," in *Materialy i issledovaniia po arkhologii SSSR* 62 (Moscow and Leningrad, 1958), 22–23 and fig. 12. On the importation of Byzantine glass and mosaic materials to Kyiv, see Shchapova, *Steklo Kievskoi Rusi*, 181, 183, 184.

<sup>73</sup> On the origins of the glass, glazed ceramic, and smalt mosaic production in Rus', see Thomas S. Noonan, "The Millennium of Russia's First Perestroika: The Origins of a Kievan Glass Industry under Prince Vladimir," *Kennan Institute for Advanced Russian Studies: Occasional Paper* 233 (Washington, D.C., 1989), 6–38; and see n. 64 above.

<sup>74</sup> Grabar, *Sculptures byzantines*, pls. XVIIIa–d, XXXa–e, XXXIc, CXXXIVc–d, CXXXVb; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 8, 13, 17, 24, 25, 39; Borovskii and Sagaidak, "Arkheologicheskie issledovaniia Verkhnego Kiev," 56; *Razvitie stroitel'noi nauki i tekhniki*

wealthy civil edifices—the Kyivan Eastern palace and a building (possibly a bath) at the bishop's palatial complex in Pereiaslav—boast of some marble embellishment.<sup>75</sup> Hence, decorated with Prokonnesian marble, the circular palace was one of the richest structures in Rus'.

Capitals, cornices, and slabs made from pink slate have also been found among its remnants.<sup>76</sup> One massive flat capital is rectangular in plan and has a recessed pattern. Its side length is about 90 cm. and its thickness approx. 20 cm. (fig. 4d). This capital apparently crowned a squared masonry pier supporting the timber ceiling of this palace or more likely the portal arch of its tambour. Many broken slabs which were used in the construction of this structure's foundations evidently represented the wasters remaining from the production of slate elements.

This slate or pirophillite of a fine pink colour and purple hue was obtained near the town of Ovruch in Volhynia.<sup>77</sup> It was very popular both as a construction and decorative material in the monumental architecture of mainly the Middle Dnieper region (Central Ukraine) and Volhynia throughout the tenth to mid-thirteenth centuries.

Church and palace floors there were customarily paved with slate slabs that often had carved ornaments and incrustations with smalt mosaic tesserae. Typically, massive slate slabs were placed as the capitals or cornices on piers and pilasters to support the springers of arches or vaults. The cruciform masonry piers with flat slate capitals basically replaced the traditional Byzantine large marble columns with their order, including marble capitals and imposts.<sup>78</sup> This innovation constituted one of the distinctive structural elements characteristic of the cross-in-square Byzantine churches in Rus'.

Like marble, pink slate slabs were also applied to make church choir parapets, sarcophagi, cornices, steps, thresholds, platbands, and other architectural details.<sup>79</sup> They have been found among the debris of the Tithes and St. George churches, the St. Irene Church (ca. 1049), the Eastern palace, and the Golden

v *Ukrainskoi SSR*, ed. V. E. Iasievich et al., vol. 1 (Kyiv, 1989), 44.

<sup>75</sup> Aseev et al., "Pamiatnik grazhdanskogo zodchestva," 204, 211, and fig. 6. See also n. 69 above.

<sup>76</sup> Borovskii, "Svetskie postroiki," 180; Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 110 and fig. 6.

<sup>77</sup> Petro P. Tolochko, *Kiev i Kievskaiia zemlia v epokhu feodal'noi razdroblennosti XII–XIII vekov* (Kyiv, 1980), 157.

<sup>78</sup> Pavel A. Rappoport, *Zodchestvo Drevnei Rusi* (Leningrad, 1986), 29–30; Komech, *Drevnerusskoe zodchestvo*, 135–36, 218–21.

<sup>79</sup> Halyna H. Mezentseva, "Skul'ptura," in *Istoriia ukrains'koho mystetstva*, vol. 1 (Kyiv, 1966), 226–38; Mariia A. Novitskaia, "Ornamental'naia rez'ba tak nazyvaemykh shifernykh izdelii velikokniazheskoi epokhi v Kieve," *Acta Historiae Artium* 25 (Budapest, 1979): 3–12; Asieiev, *Dzherela*, 62, 96–97.

Gate (1043–45); they also adorn Kyiv's extant St. Sophia Cathedral and Chernihiv's Transfiguration Cathedral.<sup>80</sup>

After the early twelfth century, when the import of marble to Rus' was halted, it was completely supplanted by Ovruch slate structural and decorative materials. Thus, the wide employment of the latter along with comparatively limited use or absence of marble represented a local feature of Rus' architecture. It is noteworthy that the Byzantine master builders appreciated the quality of Ovruch slate and utilized it extensively already in the circular palace of the mid-tenth century, the earliest excavated masonry edifice in Rus'.

It is entirely conceivable that native Rus' stone carvers, craftsmen, and apprentice masons participated in the construction and decoration of this palace. Specifically, they might well have obtained and processed local materials from Ovruch slate, sandstone, granite, and quartzite. Since the early medieval period, the Eastern Slavs built ovens and pagan sanctuaries with pavings, altar platforms, or pedestals for idols using rough stones set on clay mortar; they also fashioned stone idol statues.<sup>81</sup> By the mid-tenth century, they had mastered the extraction and processing of Ovruch slate and Middle Dnieper sandstone including the production of small carved pieces or sculptures made from these stones.<sup>82</sup> Therefore, the pink slate architectural and ornamental elements in the circular palace were very likely executed by already accomplished Rus' artisans under the direction of Byzantine masters according to their design.

In sum, the embellishment of this Kyivan palace, consisting of glazed ceramic floor tiles, fresco paintings, Prokonnesian marble, and Ovruch slate architectural details, was characteristic of the wealthy Byzantine structures of tenth- to early twelfth-century Rus'. Basically, these decorative techniques and materials, notably marble, were used in the major cities of the Middle Dnieper region, the political and cultural heartland of the state—Kyiv, Chernihiv, and

<sup>80</sup> Karger, *Drevnii Kiev* 2:56, 64, 192, 202, 204, 206, figs. 59, 70, and Tables XXXIV–XXXVIII; Grabar, *Sculptures byzantines*, pls. LVIIIc, LIXa–c, LXa–c, LXIa–b, LXIIa–b; Rapoport, *Russkaia arkhitektura X–XIII vv.*, 9, 13, 15, 16, 39; Mezentsev, "Masonry Churches," 370–71; V. G. Putsko, "Shifemyi rel'ef iz tserkvi Sv. Iriny v Kieve," in *Drevnerusskoe iskusstvo: Khudozhestvennaia kul'tura X–pervoi poloviny XIII v.*, ed. Aleksei I. Komech et al. (Moscow, 1988), 287–92. See also n. 14 above.

<sup>81</sup> See Valentin V. Sedov, *Vostochnye slaviane v VI–XIII vv.*, Arkheologiiia SSSR (Moscow, 1982), 14, 16, 22, 27, 261–66, and figs. 1–3, 19; Richard A. E. Mason, *The Ancient Religion of Kyivan Rus'* (Cleveland, L'viv, and Ulm, 1994), 88–98. See also n. 25 above.

<sup>82</sup> Several moulds for casting metal ornaments, chiselled from Ovruch slate and sandstone and dating to the beginning and second half of the tenth century, have been found in Kyiv. See Konstantin N. Gupalo, *Podol v drevnem Kieve* (Kyiv, 1982), 74–79, 83; and Stefaniia R. Kilievich and Ruslan S. Orlov, "Novoe o iuvelirnom remesle Kieva X v.," in *Arkheologicheskie issledovaniia Kieva 1978–1983 gg.*, 62–66, 75.

Pereiaslav—during this period. In the circular palace of the mid-tenth century, these decorations are known for the first time in Rus’.

#### FUNCTIONS OF THE STRUCTURE

The nature of this rich rotunda’s functions is in dispute. Two views have been proposed, one contending that it was a princely palace, and the other asserting that it was a round church in pre-Christian Kyiv.

The majority of researchers maintain that it was the circular palace at the court of Princess Olha inside the citadel on the Starokyivs’ka Hill.<sup>83</sup> Some scholars have even attempted to identify this building with the “masonry tower palace” or *terem kamen* of Princess Olha mentioned in the chronicles under the entry for 945 and depicted in the miniature of the Radziwiłł or Königsberg Chronicle (fig. 5).<sup>84</sup> Such an identification, however, ignores the chronicle’s reference to the location of this “tower palace” at Olha’s princely court “outside of the town,” while the circular edifice stood in the Kyiv’s citadel (see also p. 279 below). Moreover, Yurii Asieiev (Aseev, Aseyev) has correctly noted that this structure could not represent a tower palace or *terem*, if it was indeed a rotunda. According to him, a *terem* which was known primarily in twelfth-century Rus’ constituted a small tall palace with a square shape.<sup>85</sup>

Remnants of such twelfth-century masonry tower palaces have been excavated in Chernihiv, Smolensk, Polatsk, and Hrodna (fig. 6). Characteristically they have square or rectangular ground plans and much smaller size—with lengths between 6 and 9 m.<sup>86</sup>—than the tenth-century Kyivan rotunda (an outer

<sup>83</sup> A. I. Zotov, *Russkoe iskusstvo s drevnikh vremen do nachala XX veka* (Moscow, 1979), 12; Borovskii, “Svetskie postroiiki,” 175–80; Aseev, *Arkhitectura drevnego Kiev*, 26; Stefaniia R. Kilievich, *Detinets Kiev IX—pervoi poloviny XIII vekov* (Kyiv, 1982), 36; Sergei A. Vysotskii, “Kul’tura drevnego Kiev,” in *Istoriia Kiev*, vol. 1 (Kyiv 1982), 167; Tolochko, *Drevnii Kiev*, 34–36; Kharlamov, “Issledovaniia kamennoi monumental’noi arkhitektury,” 106–10; Callmer, “Archaeology of Kiev,” 335 and figs. 6, 9, 10; Eduard Mühle, “Die Anfänge Kievs (bis ca. 980) in archäologischer Sicht,” *Jahrbücher für Geschichte Osteuropas* 35 (1987): 89–90; Miletskii and Tolochko, *Park-muzei*, 54.

<sup>84</sup> Zotov, *Russkoe iskusstvo*, 12; Kharlamov, “Issledovaniia kamennoi monumental’noi arkhitektury,” 106, 110; Rappoport, *Drevnerusskaia arkhitectura*, 259, 270. See PVL 1:40; *Russian Primary Chronicle*, 78; *Radzivilovskaia ili Kenigsbergskaia letopis’: Fotomekhanicheskoe vosproizvedenie rukopisi* (St. Petersburg, 1902), miniature on fol. 28.

<sup>85</sup> Asieiev, “Do pytannia pro styl’ovu periodyzatsiiu,” 90–91; idem, “Monumental’naia kamennaia arkhitectura,” 353.

<sup>86</sup> Nikolai V. Kholostenko, “Chernigovskie kamennye kniazheskie terema XI v.,” *Arkhitekturnoe nasledstvo* 15 (1963): 3–12; Rappoport, *Russkaia arkhitectura X–XIII vv.*, 40–41, 90, 94–95, 102, and Table 16, figs. 57, 151, 163, 176.

diameter of about 17.5 m.). Likewise, the masonry or wooden tower palaces and ordinary residential towers (*terema* or *tremy*) which are known in late Byzantine and modern Balkan architecture,<sup>87</sup> including those in Istanbul and in the monasteries of Mount Athos, Greece,<sup>88</sup> were typically square, not circular. Therefore, this Kyivan rotunda represented a certain style of Byzantine-Rus' palace other than a small square/rectangular *terem*.

Nevertheless, some scholars assert that it was a round church of a princely court in pre-Christian Kyiv.<sup>89</sup> A detailed examination of the archaeological remnants and a broad comparative analysis of this rotunda will, however, substantiate its interpretation as a palace, probably with both residential and ceremonial functions.

Indeed, various rotundal churches, baptisteries, mausoleums, and martyrums were widespread in Byzantium, the medieval Balkans, Caucasia, and western Europe from the Early Christian period and in the tenth century in particular. Among well-preserved Byzantine examples are the famous fourth-century St. George Rotunda in Thessaloniki, Greece (plate 4a),<sup>90</sup> the fourth-century rotundal church of St. George in Serdica (present-day Sofia, Bulgaria) (plate 4b),<sup>91</sup> the octagonal St. Vitale Church (526) and Orthodox Baptistry (402–93) at Ravenna, Italy, the octagonal SS. Sergius and Bacchus Church (527–36) in Istanbul,<sup>92</sup> and the ninth-century St. Donat Rotunda at Zadar in

<sup>87</sup> Aleksandar Deroko, *Narodno neimarstvo* (Belgrade, 1968), vol. 1, figs. 17, 52–54, and pls. 243–46, 249–52; vol. 2, fig. on p. 9 and pl. 257; Aleksandar Freudenreich, *Kako narod gradi na području Hrvatske* (Zagreb, 1972), pl. 1; John T. A. Koumoulides and Christopher Walter, *Byzantine and Post-Byzantine Monuments at Aghia in Thessaly, Greece: The Art and Architecture of the Monastery of Saint Panteleimon* (London, 1975), figs. III.7, III.15, and pl. on p. 54.

<sup>88</sup> An example of such is the three-storied square stone "Tower" named the *Myrrhophylakion* that stands at the Patriarchal residence in the Phanar quarter of Istanbul and dates before 1453. See *The Oecumenical Patriarchate: The Great Church of Christ*, ed. Athanasios Paliouras (Athens and Geneva, 1989), 53, 54–55, 58, 110, figs. 24.17, 97, 346, 347, and fig. on p. 378; Zoran Petrović, *Monasteries of Mount Athos* (Priština, 1994), fig. 232.

<sup>89</sup> This view is professed by some Kyivan architectural historians, particularly by Dr. Nataliia H. Lohvyn (the Institute of History and Theory of Architecture, Kyiv) in her lecture "The Architecture of Kyiv During the Tenth to Twelfth Centuries" presented at the School of Architecture, University of Toronto, Canada, on 19 April 1995.

<sup>90</sup> See Kalliopi Theocharidou, "Ἡ Rotonta τῆς Θεσσαλονικῆς. Nea stoicheia kai aposaphēniseis me aformē tis anastēlōtikes ergasies," *Deltion tēs Christianikēs Archaialogikēs Aetaireias* 16, no. 4 (1991–92): 57–76.

<sup>91</sup> Mara Tsoncheva, *Khudozhestvenoto nasledstvo na trakiiskite zemli* (Sofia, 1971), 174–75 and fig. 151.

<sup>92</sup> See, for example, Wayne Dynes, "The First Christian Palace-Church Type," *Marsyas: Studies in the History of Art* 11 (1962–64): 1–9; Mango, *Byzantine Architecture*, 52, 58–59, 73, 76–79, figs. 71, 80–83, 99, 100, 102, 103, and pls. II, VII.

Dalmatia.<sup>93</sup> Remnants of the Round Church (ca. 900) in Preslav, Bulgaria, are known from archaeological excavations,<sup>94</sup> whereas the St. Elias Rotunda (867–86) of the Great Palace in Constantinople is evidenced only in written sources.<sup>95</sup>

Also, remains of fifth- to seventh-century centrally planned churches, baptisteries, and mausoleums have been uncovered in Chersonesos and Mangup in the Crimea.<sup>96</sup> Many circular and octagonal churches were constructed in medieval Armenia (e.g., the Zvartnotz Rotunda near Echmiadzin [642–43], Zoravor Church at Eghvard [662–81], and several tenth- and eleventh-century round churches in Ani, present-day Turkey)<sup>97</sup> and medieval Georgia (e.g., the seventh-century Bana Rotunda and Ishhan Church near Tortum Lake, Turkey, and the eleventh-century Katskhe Octagon in Imereti).<sup>98</sup>

Rotundal churches and baptisteries were common in western European Carolingian and Romanesque architecture. Some examples include the renowned extant octagonal Palatine Chapel (805) of Charlemagne's palace in Aachen, Germany,<sup>99</sup> the Round Church of the Holy Sepulchre (1130) in Cambridge, England,<sup>100</sup> the St. Peter Rotunda (ca. 995) in Starý Plzeňec and St. Jiří Church (1126) on Říp Hill in Czechia,<sup>101</sup> as well as the St. Prokop Rotunda

<sup>93</sup> Richard Krautheimer, *Early Christian and Byzantine Architecture* (Harmondsworth, 1975), 326–27 and figs. 271, 272; Andre Mohorovičić, *Graditeljstvo u Hrvatskoj: Arhitektura i urbanizam* (Zagreb, 1992), 53, 56, and fig. 2.

<sup>94</sup> Stefan Boiadzhiev, "Arkitektura na Kr"glata ts"rkva v Preslav," in S. Boiadzhiev, N. Chaneva-Dechevska, and L. Zakhariyeva, *Izsledovaniia v"rku arkitektura na b"lgarskoto srednovekovie* (Sofia, 1982), 5–130.

<sup>95</sup> See Rodolphe Guilland, *Études de topographie de Constantinople byzantine*, 2 vols. (Berlin and Amsterdam, 1969), 1:314; Panayotis L. Vocotopoulos, "The Role of Constantinopolitan Architecture during the Middle and Late Byzantine Period," *Jahrbuch der Österreichischen Byzantinistik* 31 (1981): 564.

<sup>96</sup> Jakobson, *Rannesrednevekovi Khersones*, 196–211 and figs. 105, 106; Dombrovskii, "Srednevekovi Khersones," 541–42.

<sup>97</sup> Burchard Brentjes, Stepan Mnazakanjan, and Nona Stepanjan, *Kunst des Mittelalters in Armenien* (Vienna and Munich, 1982), 67–70, 83, and figs. 42–49, 124, 127; Jean-Michel Thierry, *Armenian Art* (New York, 1989), 69, 73, 482–89, 593, 594–95, figs. 590–92, 599, 602–6, 610, 611, 883, 884, 888–91, and pl. 50.

<sup>98</sup> Wachtang Beridze and Edith Neubauer, *Die Baukunst des Mittelalters in Georgien: Vom 4. bis zum 18. Jahrhundert* (Vienna and Munich, 1981), 30–31, 72, and figs. 51, 52. For some other medieval centrally planned churches of Georgia, see P. Zakaria, *Pamiatniki Vostochnoi Gruzii* (Moscow, 1982), 114–15, 315–16.

<sup>99</sup> See, for example, Paul Frankl, *Die Frühmittelalterliche und Romanische Baukunst* (Wildpark and Potsdam, 1926), 16–19 and figs. 22–24.

<sup>100</sup> Kenneth J. Conant, *Carolingian and Romanesque Architecture*, 2d ed. (Harmondsworth, 1966), 205–6 and pl. 120b.

<sup>101</sup> Anežka Merhautová, *Raně středověká architektura v Čechách* (Prague, 1971), 306–7, 321–22, and pls. 4, 13.

(1160) in Strzelno, Poland.<sup>102</sup> Ecclesiastical structures of this shape were also popular in Hungary, Transylvania, Austria, Germany, Scandinavia, and the other western neighbouring countries of Rus' during the ninth to thirteenth centuries.<sup>103</sup>

From central and northern Europe, the circular, octagonal, quatrefoil, and other centrally planned churches of Romanesque style penetrated to western Rus', although sparingly, in the second part of the twelfth century and in the thirteenth century. Their masonry remnants have been discovered in Kyiv (a late twelfth-century rotunda),<sup>104</sup> Smolensk (a late twelfth-century rotunda or "Nemetskaia bozhnitsa"),<sup>105</sup> Volodymyr-Volyns'kyi (the St. Michael Rotunda, 1268, and the extant round St. Basil Church, 1294),<sup>106</sup> and especially in Halych and its environs.<sup>107</sup> In addition, a circular castle chapel has survived from the twelfth or thirteenth century in the village of Horiany near Uzhhorod in Western Ukraine.<sup>108</sup>

These structures were built by western, Romanesque masters and were used as Orthodox and Catholic churches. The latter apparently had been commis-

<sup>102</sup> Brian Knox, *The Architecture of Poland* (New York and Washington, D.C., 1971), 116 and fig. 79.

<sup>103</sup> See, for instance, Adam Miłobedzki, *Zarys dziejów architektury w Polsce* (Warsaw, 1963), 26, 29, figs. 1, 4, 9, and pl. 2; Conant, *Carolingian and Romanesque Architecture*, 270–271, figs. 13, 51, 52, 58, and pl. 157a; Merhautová, *Raně středověká architektura v Čechách*, 218–24, 236, 237, 252, 253–54, 256, 262, and figs. 3, 14, 17, 19, 91, 109, 131, 139; Hans E. Kubach, *Romanesque Architecture* (New York, 1975), 50–52, 235–37, 365–66 and pls. 304, 427; Jiří Kuthan, *Středověká architektura v jižních Čechách do poloviny 13. století* (České Budějovice, 1977), figs. 31–33; *Předrománska a románská architektura v západních Čechách* (Plzeň, 1978), 27 and figs. 2, 15; Tadeusz Barucki, *Architektura Polski* (Warsaw, 1985), 19–21 and figs. 15–17; Peter Leuscher, *Romanische Kirchen in Bayern* (Gondrom, 1987), 100, 143; Renate Wagner-Rieger, *Mittelalterliche Architektur in Österreich* (St. Pölten and Vienna, 1988), 22, 26–27, 30 ff.; and *Romanska arhitektura na Slovenskem. Likovno razstavišče Rihard Jakopič* (Ljubljana, 1988), 3, 7, 35–41.

<sup>104</sup> Iaroslav Ie. Borovs'kyi and Petro P. Tolochko, "Kyivs'ka rotunda," in *Arkheolohiia Kyieva: Doslidzhennia i materialy*, 90–103; Aseev, *Arkitektura drevnego Kieva*, 143–44 and figs. on pp. 140–41.

<sup>105</sup> Nikolai N. Voronin and Pavel A. Rappoport, *Zodchestvo Smolenska XII–XIII vv.* (Leningrad, 1979), 140–50.

<sup>106</sup> Yuri S. Asiieiev, "Arkitektura," in *Istoriia ukrains'koho mystetstva*, vol. 1 (Kyiv, 1966), 220–21; Pavel A. Rappoport, "Arkitektura," in *Drevniaia Rus': Gorod, zamok, selo*, Arkheolohiia SSSR (Moscow, 1985), 165 and pl. 61.6.

<sup>107</sup> Iaroslav Pasternak, *Staryi Halych: Arkheolohichno-istorychni doslidy u 1850–1943 rr.* (Krakow and L'viv, 1944), 30–31, 76–79, 82; Oleg M. Ioannisian, "Tsentrisheskie pos-troiiki v galitskom zodchestve XII v.," *Kratkie soobshcheniia Instituta arkheologii* 172 (1982): 39–46.

<sup>108</sup> Hryhorii Lohvyn, *Po Ukraini. Starodavni mystets'ki pam'iatky* (Kyiv, 1968), 386–88.

sioned by western mercantile communities particularly in Kyiv and Smolensk.<sup>109</sup> There is, however, no evidence of the importation of western architects and masons as well as the construction of churches or other structures in the Romanesque style in Rus' before the twelfth century.

A comparison of the tenth-century Kyivan rotunda with the circular churches of Byzantium, medieval Bulgaria, Caucasia, and western Europe shows the following similarities, as well as differences, in their sizes, ground plans, and architecture.

These churches, baptisteries, and mausoleums were of various dimensions, and the Kyivan structure under investigation with an interior diameter of approximately 14.5 m. seems to have been of average size. For example, the inner diameters of twelfth-century northern Germanic and Scandinavian churches range between 8 and 22 m., while the most common is about 11 m.<sup>110</sup> The diameter of the St. George rotunda church in Serdica (Sofia) measures only 9.5 m. and that of the Round Church at Preslav was 10.3 m.<sup>111</sup> The St. Vit Rotunda (925–30),<sup>112</sup> the remnants of which have been excavated in the Prague citadel, was 13 m. in diameter. The earlier Moravian and Czechian rotundas were even smaller.<sup>113</sup> The late twelfth-century Kyivan rotunda had an internal diameter of 17 m., while that of the Smolensk rotunda was 15.7 m. The St. Michael Rotunda in Volodymyr-Volyns'kyi, the largest circular structure known in Rus', had an inner diameter of about 18 m.<sup>114</sup>

Round ecclesiastical edifices usually had one to three altar apses or semi-circular wall niches in the eastern side as a characteristic canonical component of churches. No traces of these, however, have been detected in the tenth-century Kyivan rotunda. It is, of course, hard to exclude the possibility that the latter also had a niche (or niches) on the interior of its eastern wall which has not been preserved entirely. Moreover, in very rare cases, twelfth-century circular churches with no apse are known in northern Europe.<sup>115</sup> Also, the late twelfth-century rotundas at Smolensk and Kyiv were certainly devoid of apses,

<sup>109</sup> Vladislav P. Darkevich, "Mezhdunarodnye svyazi," in *Drevniaia Rus': Gorod, zamok, selo*, 396; Rappoport, *Drevnerusskaia arkhitektura*, 52, 54, 65–66, 112.

<sup>110</sup> For a useful comparison of the rotunda churches and castle chapels of the twelfth-century northern Europe, see Voronin and Rappoport, *Zodchestvo Smolenska*, 146–49.

<sup>111</sup> Krautheimer, *Early Christian and Byzantine Architecture*, 336.

<sup>112</sup> See Jaroslava Staňková, Jiří Štursa, and Svatopluk Voděra, *Pražská architektura* (Prague, 1991), 9, 18, and figs. a, b.

<sup>113</sup> I. I. Pop, *Iskusstvo Chekhii i Moravii IX—nachala XVI veka* (Moscow, 1978), 37.

<sup>114</sup> Borovskii, "Svetskie postroiki," 182, 186, 188, and fig. 72; Rappoport, *Russkaia arkhitektura X–XIII vv.*, 10, 87.

<sup>115</sup> Voronin and Rappoport, *Zodchestvo Smolenska*, 147.



and yet some scholars have considered both of them to have been Catholic or Orthodox churches.<sup>116</sup>

The location of the entrance in the southern wall, as with the tenth-century Kyivan structure in question, is not alien to Romanesque round churches. For instance, the twelfth-century churches of St. Jiří on Říp Hill and of St. Prokop in Strzelno have this similar orientation of their doorways.<sup>117</sup> Contemporaneous centrally planned churches of western Europe and Rus' had one or more entrances situated in their western, southern, or northern walls, i.e., sometimes facing on lateral sides.<sup>118</sup>

The Byzantine, medieval Bulgarian, Caucasian, and Romanesque circular churches frequently had interior columns or piers which supported their domes or vaults. However, small and large structures without columns/piers occurred as well. Furthermore, in western Europe and twelfth-century Rus', some of the Romanesque rotundas had two or three storeys. Occasionally, they were crowned with a small central tower over the dome and adjoined by a massive tower on their western facades.<sup>119</sup> Most of the known round churches were constructed of stone or brick. The remnants of wooden ones have been discovered in central Europe (e.g., the ninth-century wooden rotunda with a stone apse in the Moravian settlement of Mikulčice, Czechia) and in Rus' (e.g., the late twelfth-century octagonal church at Oleshkiv hillfort in Galicia, Western Ukraine).<sup>120</sup>

The tenth-century Kyivan rotunda, however, had no such internal columns or piers nor masonry vaults or a dome, but probably had timber ceilings instead. As noted previously, its upper storey (or storeys) were of wood, and no traces of a tower were found within this complex.

<sup>116</sup> V. G. Putsko, "Kamennyi rel'ef iz kievskikh nakhodok," *Sovetskaia arkhologiiia* 1981, no. 2: 230–31; Borovs'kyi, *Svitohliad*, 65–66; and see also n. 109 above.

<sup>117</sup> See Merhautová, *Raně středověká architektura v Čechách*, pl. 13; Knox, *Architecture of Poland*, 116 and fig. 79.

<sup>118</sup> See, for instance, Frankl, *Die Frühmittelalterliche und Romanische Baukunst*, figs. 1, 2, 42, and pl. 1; Merhautová, *Raně středověká architektura v Čechách*, pls. 14, 19, 91, 109, 131, 139; Borovs'kyi and Tolochko, "Kyivs'ka rotunda," 100; and Rappoport, *Russkaia arkhitektura X–XIII vv.*, 87, 110.

<sup>119</sup> Conant, *Carolingian and Romanesque Architecture*, 271; Merhautová, *Raně středověká architektura v Čechách*, 96, 99, 107, 112, 113, 155, 159, 218, 237, 252, 254, 298, 307, 322, 345, 364, 371, and pls. 3, 13, 14, 15, 17, 19, 91, 109; Kubach, *Romanesque Architecture*, 237, 253, 307, 319, 366, and pls. 271–81, 304, 351–54, 361, 367, 368, 380, 428; Pop, *Iskusstvo Chekhii i Moravii*, 42–43, 53–54, and figs. 18–20; Voronin and Rappoport, *Zodchestvo Smolenska*, 146–47, 150; *Novoe v arkhologii Kiev*, 183–90; Oleg M. Ioannisian, "Osnovnye etapy razvitiia galitskogo zodchestva," in *Drevnerusskoe iskusstvo: Khudozhestvennaia kul'tura X—pervoi poloviny XIII v.*, ed. Komech et al., 49, 50, and figs. on p. 51; Rappoport, *Drevnerusskaia arkhitektura*, 65.

<sup>120</sup> Pop, *Iskusstvo Chekhii i Moravii*, 18; Rappoport, *Zodchestvo Drevnei Rusi*, 94.

The massive buttresses and tambour, which had been attached to this Kyivan edifice, were common for Byzantine, Armenian, Bulgarian, and Croatian or Dalmatian sizable circular, octagonal, or other churches. These elements are observable, among others, in the St. Vitale Rotunda at Ravenna, the Zvartnotz Church near Echmiadzin, the seventh-century Madensehir (Binbirkilise) Martyrium, Turkey, and the Round Church in Preslav.<sup>121</sup> Massive buttresses and tambours or vestibules, however, were unusual for the pre-Romanesque and Romanesque rotundas of western/central Europe and Rus'.<sup>122</sup>

Thus, despite some general similarities in size, round plan, and architecture, the monument under investigation and the circular ecclesiastical edifices of medieval southeastern and western Europe display considerably distinct features. Moreover, since the rotundal reconstruction of this Kyivan building is only hypothetical, it cannot reliably serve as a basis for further interpretation.

On the other hand, the architectural design of some Byzantine palatial halls (*triklinoi*) was comparable or even identical to that of round, octagonal, cruciform, and basilical churches. In particular, many palaces of these shapes had domes, naves, and apses or semicircular niches of various orientations, including eastward ones in the manner of church altar apses. Examples will be presented below.

Circular, octagonal, trefoil, and other centralized reception halls (*triclinia*) were a feature of late Roman palaces and villas—e.g., the Golden House of Nero in Rome (A.D. 54–68), the vestibule and dining room of Diocletian's palace at Spalato (305–8), and many others.<sup>123</sup> Domed rotundal baths and mausoleums were also common in Roman architecture starting from the second century B.C., for instance, the extant Pantheon of Adrian (115–25) and Mau-

<sup>121</sup> Mango, *Byzantine Architecture*, 76–79, 104, 107, 173 ff., figs. 102, 147, 156, 243–45, and pl. VII; Ovcharov et al., *Golemiat tsarski dvorets* 1:16, 19–21, figs. 11–13, and Plan III. Also see nn. 92–94 and 97 above.

<sup>122</sup> Some twelfth- and thirteenth-century Danish round churches on the isle of Bornholm (e.g., Østerlar Rotunda) perhaps borrowed their massive buttresses as well as the plan from the renowned churches of Jerusalem (Conant, *Carolingian and Romanesque Architecture*, 270 and pl. 157a). In the architecture of Great Moravia this element was uncommon. As an exception, the ninth-century "Church #10," the remnants of which have been excavated in Mikulčice, was reinforced by buttresses. However, the latter reflects some influence of contemporaneous Croatian architecture (Pop, *Iskusstvo Chekhii i Moravii*, 20 and fig. 3).

A survey of the circular structures of twelfth- and thirteenth-century Rus' is presented in Borovskii, "Svetskie postroi," 184–89 and fig. 72. See also Rappoport, *Russkaia arkhitektura X–XIII vv.*, Table 10, figs. 188, 196; Table 12, fig. 142; Table 16, fig. 6.

<sup>123</sup> Dynes, "First Christian Palace-Church Type," 4 and fig. 5; Karl M. Swoboda, *Römische und Romanische Paläste* (Vienna, Cologne, and Graz, 1969), 50–51, 148–50, figs. 3, 7–9, 15, 27, 28, 33, 34, 64, 66, 67, 68, and pls. Ic, VIa–b; Slobodan Ćurčić, "Late Antique Palace: The Meaning of Urban Context," *Ars Orientalis* 23 (1993): 68–69, 70, and figs. 2–6, 10, 14–16; Tomislav Marasović, *Diocletian's Palace* (Zagreb and Split, 1994), 40, 57, 75, 80.

soleum of Constanza (ca. 353) at Rome and the Thermae of Zeuxippus (ca. 196) in the ancient City of Byzantium.<sup>124</sup> Specialists believe that these secular and religious centrally planned antique edifices were the models in the Early Christian and Byzantine periods for the construction of churches, baptisteries, shrines, and martyriums as well as palatine halls.<sup>125</sup>

Some late antique palatial rotundas were even transformed into ecclesiastical structures in the Christian era. Thus, the Rotunda in Thessaloniki, originally a part of the palace of Roman emperor Galerius (293–311), was subsequently turned into a church and later dedicated to St. George.<sup>126</sup> It is also believed that the St. George rotundal church in Serdica (Sofia) had been rebuilt from a fourth-century domed bath or other secular round edifice of the Late Roman imperial residence.<sup>127</sup> Likewise, the central hexagonal hall of the fifth-century Antiochus palace in Constantinople became the Martyrium of St. Euphemia in the sixth century (fig. 7).<sup>128</sup>

Circular structures continued to be erected by the Constantinopolitan school during the ninth and tenth centuries. Examples include the St. Elias Rotunda of the Great Palace, the Round Church in Preslav, and the two octagonal buildings with circular cores of uncertain destination—both with eastern apses—which were adjacent to the late ninth-century church at Dereāġzi in Lycia in Byzantine Asia Minor.<sup>129</sup> Late antique architectural forms were revived in this period which is called the “Macedonian Renaissance.”<sup>130</sup> Round palatial edifices are also known in Constantinople in the subsequent Comnenian era (1081–1204). Thus, according to its inventory descriptions of 1192 and 1202, the aristocratic palace of Botaneiates or Kalamanos contained a rich masonry circular building referred to as *Oaton* and next to it a semicircular structure. Both of them were decorated with carved marble details and its domes or vaults

<sup>124</sup> Wolfgang Müller-Wiener, *Bildlexicon zur Topographie Istanbuls* (Tübingen, 1977), 51 and figs. 1–3, 263.

<sup>125</sup> Iakobson, *Rannesrednevekovi Khersones*, 207–8, 211; Irving Lavin, “The House of the Lord: Aspects of the Role of Palace Triclinia in the Architecture of Late Antiquity and the Early Middle Ages,” *Art Bulletin* 44 (1962): 1–27; Krautheimer, *Early Christian and Byzantine Architecture*, 326, 338, 361.

<sup>126</sup> Mango, *Byzantine Architecture*, 52, and see n. 123 above.

<sup>127</sup> Tsoncheva, *Khudozhestvenoto nasledstvo*, 174 and fig. 151.

<sup>128</sup> Rudolf Naumann and Hans Belting, *Die Euphemia-Kirche am Hippodrom zu Istanbul und ihre Fresken* (Berlin, 1966), 13–44 and figs. 1, 2, 6, 7, 10, 13; Thomas F. Mathews, *The Byzantine Churches of Istanbul* (University Park and London, 1976), 123–27.

<sup>129</sup> Morganstern, *Byzantine Church at Dereāġzi*, 65–77, 91–92.

<sup>130</sup> See Krautheimer, *Early Christian and Byzantine Architecture*, 326, 336, 338, 353–55, 371–73; Vocotopoulos, “Role of Constantinopolitan Architecture,” 564, 572; and Mango, *Byzantine Architecture*, 174.

rested on slender columns.<sup>131</sup> From these descriptions, however, the functions of the edifices—whether religious or secular—are not clear. Also, the palace's remnants have yet to be archaeologically discovered or reliably identified with any excavated aristocratic houses of Constantinople.

From Byzantium, the style of round or octagonal churches penetrated into Bulgaria and via Dalmatia to Great Moravia in the ninth or tenth century.<sup>132</sup> Centralized secular buildings, however, were common to neither the Carolingian and Romanesque architecture of western Europe nor the architecture of eleventh- to thirteenth-century Rus'.

Archaeological and written sources testify to the existence of audience and banquet halls and the residential structures or offices of various centrally planned schemes in Constantinopolitan imperial palaces and aristocratic mansions particularly in the Early Byzantine period. The remnants of two adjoining mansions of *praepositus* Antiochus (ca. 410–20) and his successor Lausus (ca. 420–30) were excavated northwest of the Hippodrome in 1964. They contained mainly hexagonal, octagonal, round, and hemicycled halls and porticoes of varying dimensions (fig. 7). The largest hexagonal hall with apsidal niches of Antiochus, southern complex had an internal diameter of about 20 m. (cf. the smaller Kyivan tenth-century rotunda with an interior diameter of 14.5 m.). The northern, Lausus mansion had a larger domed and niched rotunda of 22 m. in diameter with an elongated seven-apsed dining-room attached to it.<sup>133</sup> Like the Kyivan edifice under investigation, all of these circular structures were devoid of any supporting columns or piers in their interiors.

Also, in about the fifth century, an immense rotundal palace hall was built with an inner diameter of 29.6 m. and eight semicircular and rectangular niches. Its remains were uncovered in 1965–66 under the foundations of the Myrelaion palace (ca. 922). This rotunda was surmounted with a dome but had no central columns or piers (fig. 8).<sup>134</sup>

<sup>131</sup> Michael Angold, "Inventory of the So-called Palace of Botaneiates," in *The Byzantine Aristocracy: IX to XIII Centuries*, ed. Michael Angold, BAR International Series 221 (Oxford, 1984), 255, 260; Paul Magdalino, *The Empire of Manuel I Komnenos, 1143–1180* (Cambridge, 1993), 119.

<sup>132</sup> Pop, *Iskusstvo Chekhii i Moravii*, 13–16, 18, 19.

<sup>133</sup> Rudolf Naumann, "Vorbericht über die Ausgrabungen zwischen Mese und Antiochus-Palast 1964 in Istanbul," *Istanbuler Mitteilungen* 15 (1965): 135–48 and figs. 1, 5; Naumann and Belting, *Die Euphemia-Kirche*, 13–23 and figs. 1, 2, 6, 7, 10; Müller-Wiener, *Bildlexicon*, 122–25, 238, and figs. 2, 109, 263, 321; Cyril Mango, "The Development of Constantinople as an Urban Centre" (1986), reprinted in his *Studies on Constantinople* (Aldershot and Brookfield, 1993), 127–28.

<sup>134</sup> Rudolf Naumann, "Der antike Rundbau beim Myrelaion und der Palast Romanos I Lekapenos," *Istanbuler Mitteilungen* 16 (1966): 199–216 and fig. 1; Striker, *Myrelaion*, 13–16 and figs. 66, 67, 69–73.

The Great or Sacred Palace of Constantinople was founded by Constantine I (312–37) and served as the emperor's principal residence until the eleventh century.<sup>135</sup> Unfortunately, its structures have not survived. Nevertheless, on the basis of contemporary descriptions, foremost the *De cerimoniis* (*Book of Ceremonies*) compiled by Constantine VII Porphyrogenitus,<sup>136</sup> and some archaeological evidence, several graphic reconstructions of this magnificent complex have been proposed.<sup>137</sup> The major throne and audience hall, Chrysotriklinos or Golden Hall, which Justin II (565–78) erected at the Palace, has been recreated as a grandiose domed octagon. It had an eastward apse where the emperor's throne stood. It is believed that this hall had a close affinity in design to the domed octagonal churches of St. Vitale at Ravenna or SS. Sergius and Bacchus (Küçükayasofya Camii) in Istanbul.<sup>138</sup>

In addition, some researchers have restored other secular edifices, such as the Triklinos of the Scholae at the quarters of the Palace guards, the First Schola, and the so-called Octagon, as rotundas.<sup>139</sup> The descriptions also tell of the hemicycled or lunate-shaped Sigma (829–42), Phiale of the Trikonchos, and Apsé passage halls that were located on the path of court ceremonial processions.<sup>140</sup>

Furthermore, the Great Palace contained spacious reception or banquet halls of various forms, for instance, the domed trefoil Trikonchos (829–42), the rectangular Justinianos (694), the Kainourgion (867–86), and the fifth-century Triklinos of the Nineteen Akkubitoi (Hall of the Nineteen Couches). All of

<sup>135</sup> See, for instance, Jean Ebersolt, *Le grand palais de Constantinople et le Livre des Cérémonies* (Paris, 1910); J. B. Bury, "The Great Palace," *Byzantinische Zeitschrift* 21 (1912): 210–25; *The Great Palace of the Byzantine Emperors*, ed. G. Brett (Edinburgh, 1947); and *The Great Palace of the Byzantine Emperors: Second Report*, ed. Rice.

<sup>136</sup> Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, trans. and ed. Albert Vogt, vol. 1 (Paris, 1935), vol. 2 (Paris, 1939).

<sup>137</sup> For hypothetical reconstructions of the Great Palace in Constantinople, see *ibid.*, vol. 1, the appended plan by A. Vogt (1934); Mango, *Brazen House*, figs. 1–5; Müller-Wiener, *Bildlexicon*, fig. 263; and *Oecumenical Patriarchate*, fig. 18.

<sup>138</sup> Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, vol. 1, Vogt's plan of the Great Palace, structure no. 42; Ebersolt, *Le grand palais*, 77 ff.; Mango, *Byzantine Architecture*, 52, 76–79; *idem*, *The Art of the Byzantine Empire 312–1453: Sources and Documents* (Toronto-Buffalo-London, 1986), 128, esp. 184, 209.

<sup>139</sup> Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, vol. 1, Vogt's reconstruction of the Great Palace, monuments nos. 4, 11, 21; Ebersolt, *Le grand palais*, 28 ff.; Bury, "Great Palace," 211–12, 223, 224; Mango, *Brazen House*, 49, 50, 74, 76, and figs. 4.I, 5.4.11; *idem*, *Art of the Byzantine Empire*, 141 n. 87 and 162 n. 56; R. Janin, *Constantinople byzantine: Développement urbain et répertoire topographique*, 2d ed. (Paris, 1964), 112, 113.

<sup>140</sup> Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, vol. 1, plan of the Great Palace, structures nos. 24, 28; Bury, "Great Palace," 216–19, 220, 222–24; Guiland, *Études de topographie* 1:94–119, 132–40; Mango, *Art of the Byzantine Empire*, 161–63, 199.

them had apses oriented to the east, north, or south.<sup>141</sup> Another throne hall called Magnaura (312–37) and the contemporaneous Senate House both have been reconstructed as three-naved basilicas terminated with eastern apses.<sup>142</sup> The imperial thrones were again situated in their central apses, while in the Hall of the Nineteen Couches, the ceremonial dining-room, this prestigious place was occupied by the emperor's table.<sup>143</sup> There are also remnants of an unidentified sixth-century rectangular hall (32×16.5 m.) with a semicircular apse projecting southeast, excavated at the Palace site in 1952–54.<sup>144</sup>

In the Middle Byzantine wealthy provincial households or *oikoi*, basilical naved main formal rooms and centralized cruciform or cross-in-square halls were common. Numerous examples are preserved among the rock-cut courtyard residences of the Middle Byzantine era in Cappadocia.<sup>145</sup> It was not unusual in domestic architecture of this period for reception rooms or even bedrooms to be centrally planned domed structures similar to some church types.<sup>146</sup>

The masonry refectories or *trapezai* of medieval Greek, Macedonian, and Bulgarian monasteries had architecture and functions comparable to the Byzantine palace banquet halls. Hence, many of them had basilical and cruciform structures often with aisles, apses, or niches. The separate table of the Father-Superior (hegumen or archimandrite) usually stood in the refectory's apse. Examples include the well-preserved refectories of the tenth-century Great Lavra

<sup>141</sup> Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, vol. 1, reconstruction of the Great Palace, monuments nos. 17, 29, 40, 54; Ebersolt, *Le grand palais*, 95 ff.; Bury, "Great Palace," 217–25; Mango, *Byzantine Architecture*, 108–9; idem, *Art of the Byzantine Empire*, 131, 161–63, 164, 196–98, 208.

<sup>142</sup> Ebersolt, *Le grand palais*, 68–76; Bury, "Great Palace," 211, 214–15, 224; Mango, *Brazen House*, 57–58, 90 n. 131, and figs. 1–4; idem, *Art of the Byzantine Empire*, 108–9, 129, 209–10; Janin, *Constantinople byzantine*, 117–18, 154–56. For these edifices' plans, see, for instance, Constantin VII Porphyrogénète, *Le Livre des Cérémonies*, vol. 1, the appended reconstruction of the Great Palace, structures nos. 2, 69.

<sup>143</sup> Krautheimer, *Early Christian and Byzantine Architecture*, 74. Likewise, in the circular mausoleum of Constantine I at his capital, the main burial niche facing the entrance contained this emperor's sarcophagus (Cyril Mango, "Constantine's Mausoleum and the Translation of Relics" [1990], reprinted in his *Studies on Constantinople*, 54 and fig. 1). Also, the remnants of the rectangular school room with a semicircular apse has been excavated at the ninth-century church complex in Great Moravia. Apparently, this apse was the place for a teacher (Pop, *Iskusstvo Chekhii i Moravii*, 23 and fig. 5).

<sup>144</sup> *The Great Palace of the Byzantine Emperors: Second Report*, ed. Rice, 24–25, 40–43, 50, 165–67, figs. 1, 12, 16, and pl. 14a–b.

<sup>145</sup> Robert G. Ousterhout, "Secular Architecture," in *Glory of Byzantium*, ed. Evans and Wixom, 197 and illustration on p. 198. See also Paul Magdalino, "The Byzantine Aristocratic *oikos*," in *Byzantine Aristocracy*, ed. Angold, 95.

<sup>146</sup> Thomas F. Mathews, "Religious Organization and Church Architecture," in *Glory of Byzantium*, ed. Evans and Wixom, 28.

and Vatopedi Monastery of Mount Athos and of the eleventh-century Hosios Meletios Monastery near Megara, Greece.<sup>147</sup>

The same style of basilical and cruciform palatine halls are known in other countries influenced by Byzantine architecture. Thus, the throne hall of the Bulgarian tsar's palace (814–31) at Pliska was a three-naved basilica terminated by a northern apse and preceded by a porch. In layout, it vied with the Triklinos of Magnaura at the Great Palace in Constantinople.<sup>148</sup>

Both Byzantine and western Islamic palatial architecture and decoration descended from Roman tradition and developed in interaction. Therefore, following Byzantine models, circular, trefoil, quatrefoil, tetraconch, and other cross-shaped and basilical apsed audience or throne halls were current in the Arabian Umayyad's architecture in Syria. For example, such halls were constructed at the sixth-century episcopal residence in Bosra and at the palaces of Qasr ibn-Wardan (561–64), *Khīrbet al-Mafḍjar* (seventh century), *Mshattā* (622–720), and al-Mundhir in Resafa (569–81). An analogous domed cruciform hall was also present at the twelfth-century Seljuk palace complex of Diyārbakr (*Āmid*).<sup>149</sup>

All of these examples demonstrate that circular halls and other secular palatine edifices—specifically of plain round, octagonal, or hexagonal shapes—had been fairly common in the architecture of Byzantium, notably in its capital. The absence of closer chronological Byzantine parallels to the tenth-century Kyivan rotunda can be explained by the scarcity of veritable textual, archaeological, and architectural evidence about the tenth- to twelfth-century Byzantine palaces in general and by the lacuna among surviving masonry monuments of Constantinople between the 920s and 1040s.<sup>150</sup>

<sup>147</sup> Krautheimer, *Early Christian and Byzantine Architecture*, 365, 366, and figs. 303, 305; Mango, *Byzantine Architecture*, 110 and fig. 158; Nikolai Ovcharov and Daniela Khadzhieva, *Srednovekovniiat manastir v gr. K"rdzhali—tsent"r na Episkopiiata Akhridos (XI–XIV v.)*, Razkopki i prouchvaniia 24 (Sofia, 1992), 20, 21, and figs. 20, 21. Also in the Kyivan Rus' and Muscovian monasteries which followed Byzantine or Balkan Slavic patterns, masonry refectories (*trapeznye*) had affinity in architecture and plan with some secular halls. See V. P. Vygodov, *Arkhitectura Moskovskoi Rusi serediny XV veka* (Moscow, 1988), 110, 121, 124–25.

<sup>148</sup> Swoboda, *Römische und Romanische Paläste*, 305 and fig. 135; Stancho Vaklinov, "Dvortsove tsentrove v Pliska i Preslav," in *Pliska-Preslav*, vol. 2 (Sofia, 1981), 134.

<sup>149</sup> Oleg Grabar, "Islamic Art and Byzantium," *Dumbarton Oaks Papers* 18 (1964): 70–79 and figs. 4–7; Lucy-Anne Hunt, "Comnenian Aristocratic Palace Decoration: Descriptions and Islamic Connections," in *Byzantine Aristocracy*, ed. Angold, 143, 146, and figs. 5, 6; John D. Hoag, *Islamic Architecture* (New York, 1987), 7–10, 17–18, 21–22 and pl. 20; Nasser Rabbat, "Mamluk Throne Halls," *Ars Orientalis* 23 (1993): 205–6 and fig. 10.

<sup>150</sup> See Krautheimer, *Early Christian and Byzantine Architecture*, 366, 370–71; and Panayotis L. Vocotopoulos, "The Concealed Course Technique," *Jahrbuch der Österreichischen Byzantinistik* 28 (1979): 258.

The examples mentioned above ought also to show the “deceptive identity,” as some researchers have noted,<sup>151</sup> between the layouts and architectural forms of Byzantine ecclesiastical and some palatial structures, for they often shared the same circular, cruciform, or basilical design. Therefore, it is impossible to determine conclusively the function of this tenth-century Kyivan building judging solely on the basis of its rotundal plan, especially given that this reconstruction is hypothetical.

The fact that no remnants of an oven or chimney have been discovered among this structure’s debris cannot challenge the thesis about its palatial character. In tenth- to thirteenth-century Rus’, both churches and reception or banquet (nonresidential) palace halls were typically devoid of any heating system. Similarly, no ovens have been found on the ground floors of the other excavated masonry princely palaces in Rus’.<sup>152</sup>

Fortunately, through the analysis of some archaeological data in conjunction with certain topographical observations we are able to attribute the edifice under examination to the princely palace, irrespective of whether it was circular or any other shape.

First of all, no related architectural or decorative details, liturgical objects, Christian burials, or other finds typical of a church were uncovered during the excavations of this rotunda’s remnants. Instead, archaeologists have revealed much debris of burned logs, beams, planks, charcoal, nails and spikes, as well as fragments of plaster with frescoes. As mentioned earlier, researchers have rightly interpreted these finds as the remains of the wooden upper storey (or storeys), whose walls had been plastered and painted. Also, the structure under investigation apparently had timber ceilings on all levels, and no masonry vaults or a dome.

Conversely, centrally planned ecclesiastical edifices in Byzantium, western Europe (pre-Romanesque and Romanesque), and Rus’ typically were surmounted with masonry domes. Some rotundal churches of western Europe and Rus’ had two or three masonry storeys, sometimes with a tiny tower on the top of their domes.<sup>153</sup> An upper storey of wood, however, was uncharacteristic of these churches.

<sup>151</sup> Mango, *Byzantine Architecture*, 52.

<sup>152</sup> Iu. P. Spegal’skii, *Zhilishche Severo-Zapadnoi Rusi IX–XIII vv.* (Leningrad, 1972), 260–64, 270; Pavel A. Rappoport, *Drevnerusskoe zhilishche*, *Arkheologiiia SSSR: Svod arkheologicheskikh istochnikov* E1-32 (Leningrad, 1975), 115.

<sup>153</sup> See, for example, Kubach, *Romanesque Architecture*, 237, 366, and pls. 275, 277, 279, 367; Pop, *Iskusstvo Chekhii i Moravii*, 43 and fig. 19; Voronin and Rappoport, *Zodchestvo Smolenska*, 147, 150; Ioannisian, “Tsentricheskie postroiki v galitskom zodchestve XII v.,” 44; and see also n. 119 above.



Occasionally, timber roofs and domes were used in some circular Byzantine churches, for example, in the St. Anastasis Rotunda (before 807) in Jerusalem.<sup>154</sup> As well, timbers may have been utilized for the roofing of masonry buildings in Rus'.<sup>155</sup> Notably, a chronicle reports that the brick-and-stone St. Michael (George) Chapel (*bozhnitsa*) in the Town of Oster (1098) in Pereiaslav land had a timber or log dome (*verkh*).<sup>156</sup> This could be also the case with several late-eleventh-century small one-domed churches of the same type in Pereiaslav.<sup>157</sup> Nevertheless, the wooden remnants of the Kyivan rotunda have been correctly reconstructed as its whole top storey, rather than its roof tie-beams and ceilings only (fig. 11). This opinion is corroborated by the large quantity of uncovered burned logs, beams, planks, charcoal, and ashes, especially in the upper debris layer. In addition, many fragments of plaster with frescoes as well as iron fresco nails and spikes (for nailing fresco plaster to the walls and ceilings) have been found in the same layer among these wooden materials. They therefore represent the remnants of plastered and painted timber walls and possibly ceilings of the top storey (or storeys) of the circular structure in question.<sup>158</sup> Likewise, the three other Byzantine masonry princely palaces of late tenth-century Kyiv had second floors of logs, which were covered with plaster and frescoes in the interior (fig. 11).<sup>159</sup>

The lower masonry floors of these palaces likely served as reception or throne halls, while the upper wooden storeys were private princely residences. Wood was the common and abundant building material for the dwellings of medieval Eastern Slavs in both urban and rural areas and among ordinary or rich households. Owing to the weak heating capacity of their simple clay or stone ovens, houses of coniferous wood had the advantage over masonry ones as they were warmer and drier in the cold and damp climate of Rus'.<sup>160</sup> Hence, the palatial audience, throne, banqueting, or council halls (*palaty*) of the Kyivan Rus', the late Novgorodian and Pskov republics, and Muscovy were

<sup>154</sup> See Mango, *Byzantine Architecture*, 12, and also his *Art of the Byzantine Empire*, 63 n. 39 and 71 n. 87.

<sup>155</sup> Rappoport, *Building the Churches*, 153–55.

<sup>156</sup> *Polnoe sobranie russkikh letopisei* [PSRL], vol. 2, *Ipat'evskaia letopis'*, 2d ed. (Moscow, 1962), col. 446; Asieiev, *Dzherela*, 112–14 and pl. between pp. 96 and 97.

<sup>157</sup> Natal'ia G. Logvin, "Pereiaslavskoe zodchestvo kontsa XI v.," *Stroitel'stvo i arkhitektura* 6 (1989): 21.

<sup>158</sup> See n. 26 above.

<sup>159</sup> Karger, *Drevnii Kiev* 2:64, 67; Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 110, 116; Callmer, "Archaeology of Kiev," 335 and fig. 10; Rappoport, *Drevnerusskaia arkhitektura*, 30.

<sup>160</sup> See Mikhail G. Rabinovich, *Ocherki material'noi kul'tury russkogo feodal'nogo goroda* (Moscow, 1988), 15, 23.

frequently constructed of brick and stone, whereas the living quarters and various service structures of their palace complexes were traditionally built of logs.

This combination of masonry and wooden storeys, first discovered in tenth-century Kyivan palaces, was widespread in the civil architecture of the Eastern Slavs prior to the modern period. For example, contemporary descriptions relate that the tsar's stone palace in the sixteenth-century Kremlin of Moscow and the early seventeenth-century stone mansions of wealthy merchants at Pskov had log superstructures. This style of mansions is well represented by the extant so-called "Pogankiny palaty" in Pskov (fig. 9). Entirely masonry residential houses spread in Ukraine and Russia from the sixteenth and seventeenth centuries onwards, primarily among aristocratic households.<sup>161</sup>

Similarly, the light timber upper storeys covered with clay or lime plaster, the richest of which were decorated with frescoes, were typical of both ordinary and wealthy masonry dwellings in Byzantium, medieval and modern Crimea, the Balkans, and Asia Minor.<sup>162</sup> In the Middle and Late Byzantine periods, the buildings in Constantinople, including private wealthy houses and public edifices, were often made of wood rather than stone.<sup>163</sup> Mass dwellings with top floors constructed of planks and devoid of stucco on the facades were very widespread in Istanbul during the Ottoman period, plausibly reflecting the Byzantine tradition.

The restored complex of the Ecumenical Patriarchate which was established in Istanbul's Phanar district in 1600 also contained several modern residential houses, offices, and council or audience halls that were built of plain unstuc-

<sup>161</sup> Hamilton, *Art and Architecture of Russia*, 104–7, esp. 145; *Istoriia russkogo iskusstva*, ed. Igor' E. Grabar' et al., vol. 2 (Moscow, 1954), 337–39; Rabinovich, *Ocherki material'noi kul'tury*, 23, 39, 45–46, 73–75, 84–85, 87, and figs. 5, 9.5, 10.1.

<sup>162</sup> See, for instance, Iakobson, *Srednevekovi Krym*, 87, 99; Deroko, *Narodno neimarstvo*, vol. 1, figs. 6, 7, 9, 18, 22, 52, 55, 57, and pls. 36–39, 51, 53, 55, 77, 89, 90, 123, 124, 270; vol. 2, figs. 20, 28, 34, and pls. 78, 96, 136, 178, 257, 269, 270; Freudenreich, *Kako narod gradi*, figs. 106, 214, 219, 220, 221, 224, 225, 250, 251, and pls. 330, 570. Dombovskii, "Srednevekovi Khersones," 544, 547; Ploutarchos L. Theocharides, "Recent Research into Athonite Monastic Architecture, Tenth–Sixteenth Centuries," in *Mount Athos and Byzantine Monasticism*, ed. Anthony Bryer and Mary Cunningham (Aldershot and Brookfield, 1996), fig. 16.6 on p. 217. I owe thanks to archaeologist Dr. Ploutarchos L. Theocharides of the Department of Byzantine Antiquities in Thessaloniki for his detailed consultation on medieval architecture of Greece and particularly of Mount Athos.

<sup>163</sup> Ousterhout, "Secular Architecture," 197. According to fourteenth-century travellers describing the Late Byzantine capital, the houses in the city, with the exception of a few palaces, were wooden. Travellers mentioned in particular the "large pavilion" or the "judges' pavilion" made of timber which may be one of the structures of the Patriarchal residence located near Hagia Sophia during the Byzantine era. See J. P. A. van der Vin, *Travellers to Greece and Constantinople: Ancient Monuments and Old Traditions in Medieval Travellers' Tales*, 2 vols. (Leiden, 1980), 1:289, 2:289, 565, 571.

coed planks above masonry ground floors, a retaining wall (*seti*), or a socle. These were the so-called "Papadika," the Synodicon, the Building of the Mixed Council, and the Cells of the Clerics (fig. 10). The edifices had one or two timber top storeys which were reached by exterior stairways from the yard. In the Cells of the Clerics and the "Papadika," the upper storeys were occupied mainly by the cleric's cells or suites (bedrooms and sitting-rooms) for the accommodation of the resident staff and guests of the Patriarchate.

The four-storied Patriarchal House (1797–98), the main administrative centre of this complex, was constructed of planks set on the ashlar socle. Its interior had been decorated with outstanding mural paintings and icons. The Patriarch's Office, his throne room and official refectory, and the room for the meetings of the Holy Synod were located on the top floor. The lower levels housed the Legal Council Hall, the deacons' refectory, the Synod's secretarial offices, and various auxiliary services. Although intended for administrative purposes, this structure had been designed on principles similar to those of the contemporaneous aristocratic mansions of Istanbul. Typically, these mansions included an elaborately executed and richly embellished uppermost storey with a high ceiling, where the proprietors lived and received visitors.<sup>164</sup>

Buildings specifically made of logs were uncharacteristic of Byzantium as well as later Turkey, particularly of their urban architecture. They were, however, very common in Rus' (figs. 9, 11, 13). Therefore, an application of the top storeys of logs at the tenth century Byzantine masonry palaces in Kyiv perhaps represented a local structural feature which was antedated and influenced by the style of the log princely palaces and the tradition of timber dwellings in Rus'. Native Rus' carpenters, skilled in timber work, could have readily constructed the wooden superstructures of these Kyivan palaces, while the Byzantine builders and artists might have plastered and painted them with frescoes, covered them with ceramic roofing tiles, and installed window panes.

Hence, the archaeological remains of the timber upper storey (or storeys) of the early Kyivan rotunda indicate its palatial, probably residential, function rather than an ecclesiastical one. In all likelihood, this edifice was part of a princely palace complex in the citadel on the Starokyivs'ka Hill.

Moreover, the location of the rotunda in question—in the midst of the earliest Kyivan citadel—was standard for princely palaces. This best fortified, central district of Rus' towns, known as the *detinets* and later *kreml'*, sheltered primarily the residences of princes and their boyar retinue.<sup>165</sup> Thus, according

<sup>164</sup> See *Oecumenical Patriarchate*, 53–59, 79, 81, and figs. 24–26, 57, 452–53.

<sup>165</sup> Mikhail N. Tikhomirov, *The Towns of Ancient Rus'*, trans. Y. Sdobnikov (Moscow, 1959), 45, 259–61; Andrei V. Bunin, *Istoriia gradostroitel'nogo iskusstva*, 2d ed. (Moscow, 1979), 1:210.

to the chronicles, in 945, one of Olha's princely courts was situated in Kyiv's citadel.<sup>166</sup>

After the Christianization of Rus', the main cathedrals often were erected in the city citadels near the princely courts or within their complexes, e.g., the Tithes Church, Chernihiv's Transfiguration Cathedral, and Pereiaslav's St. Michael Cathedral. Also, wealthy households customarily contained private palatine churches or chapels like the Holy Savior Church (1152) at the princely palace in Halych, St. Michael's Church (1174) at Chernihiv's new palace, and St. Basil's Church (1197) at the "New Princely Court" in Kyiv.<sup>167</sup>

It is hardly conceivable, however, that during the pre-Christian period, any ecclesiastical structure could have been established in such a prestigious site as the core of the city citadel, especially at the residence of a pagan ruler. Even Olha, after her baptism, was unlikely to be allowed to build a monumental church there, because she was not a ruling princess but a regent for her son Sviatoslav, who himself had remained a pagan and persecuted Christians late in his reign.<sup>168</sup> As archaeological explorations have shown, from the eighth to tenth centuries the stone Slavic pagan sanctuary or *kapyshche* symbolically stood in the centre of the earliest Kyivan citadel close to the rotunda under examination.<sup>169</sup>

Apparently all ecclesiastical edifices of pre-Christian Kyiv had been set outside of this citadel and its major princely residence, for example, at Olha's out-of-town "tower court" (945), which was presumably located at 3 Volodymyrs'ka St., or else in the city's trade-and-craft suburbs where early Christian communities had likely concentrated. There were neighbourhoods of Greek, western European, and Khazarian merchants and artisans. In fact, the Kyivan churches of this period that are known from the chronicles—St. Nicholas and St. Elias churches—were situated in the vicinity of Uhors'ke (Ugorskoe) and the Podil (Podol) respectively.<sup>170</sup>

According to the Joachim Chronicle extracted by Vasili N. Tatishchev, Princess Olha erected the earliest St. Sophia Church, made of wood,<sup>171</sup> which

<sup>166</sup> PVL 1:40; *Russian Primary Chronicle*, 78.

<sup>167</sup> PSRL 2:462–63, 571, 707.

<sup>168</sup> See Tatishchev, *Istoriia rossiiskaia* 1:111; and Braichevs'kyi, *Utverzhennia khrystyianstva*, 99–104. On Olha's princely status, see also Mykhailo Hrushevsky, *History of Ukraine-Rus'*, ed. Andrzej Poppe and Frank E. Sysyn, vol. 1 (Edmonton and Toronto, 1997), 340, 347; Sophia Senyk, *A History of the Church in Ukraine*, vol. 1, *Orientalia Christiana Analecta* 243 (Rome, 1993), 33–49; Martin Dimnik, "Succession and Inheritance in Rus' before 1054," *Mediaeval Studies* 58 (1996): 93–95.

<sup>169</sup> Tolochko, "Religious Sites in Kiev," 317–18.

<sup>170</sup> PVL 1:20, 39 (under the years 882 and 945); Sahaidak, *Davn'okyivs'kyi Podil*, 14–15.

<sup>171</sup> Tatishchev, *Istoriia rossiiskaia* 1:106, 111; see also Tolochko, *Kyivs'ka Rus'*, 267; and n. 43 above.

preceded the masonry cathedral of the same dedication (1037). The area where these churches were built constituted a peripheral suburb before Prince Iaroslav the Wise constructed a new fortified central district there, "Iaroslav's Town," ca. 1037.<sup>172</sup> A tenth-century masonry structure that could represent another of Olha's ecclesiastical projects similarly stood beyond the Starokyivs'ka Hill citadel on the site of the late twelfth-century Kyivan rotunda at 3 Volodymyrs'ka St. This princess probably commissioned it as a court church or chapel at her out-of-town residence (which is localized there) ca. 955–59.<sup>173</sup>

Therefore, these archaeological data and topographical observations lead us to conclude that the tenth-century edifice which had been situated in the oldest city's citadel (whether it was circular indeed or of another shape) constituted a palace of the princely court.

Of course, this Kyivan palace (with an interior diameter of 14.5 m.) was much smaller and more modestly decorated than the grandiose throne, audience, or banquet halls of the Constantinopolitan Great Palace, notably the unrivalled Chrysotriklinos. Yet the majority of rooms and pavilions of the Great Palace were not necessarily large.<sup>174</sup> The structure under examination was also less spacious than the very elongated late tenth-century Western or Southern palaces in Kyiv, the halls of which, called *gridnitsy*, served for official princely receptions, feasts, and council meetings (figs. 11, 12).<sup>175</sup> The earliest Kyivan rotunda was, however, comparable in dimensions to the two middle-sized circular rooms (about 13 m. in their inner diameters) of the fifth-century Antiochus mansion at the Byzantine capital. The smallest niched octagonal room of this mansion had a diameter of approximately 6 m. (fig. 7).<sup>176</sup> Furthermore, the Kyivan building in question exceeded considerably in size the known princely residential square tower palaces (*terema*) of twelfth-century Rus', which had side lengths from 6 to 9 m. (see p. 261 and fig. 6).

In sum, the tenth century Kyivan rotunda plausibly represented a middle-sized Byzantine-Rus' palatial structure with both court ceremonial and residential functions. Specifically, its masonry ground floor, richly embellished

<sup>172</sup> Mikhail A. Sagaidak, *Velikii gorod Iaroslava* (Kyiv, 1982), 5–6, 14–17; See also my review article of this book in the *Journal of Ukrainian Studies* 13 (25), no. 2 (1988): 116–18, 121; Nadiya Nikitenko, "Sviata Sofiia Kyivs'ka: novyi pohliad na ii istoriiu, arkhitekturu ta rozpys," *Logos: A Journal of Eastern Christian Studies* 37, nos. 1–4 (1996): 109.

<sup>173</sup> See n. 25 above.

<sup>174</sup> Krautheimer, *Early Christian and Byzantine Architecture*, 368.

<sup>175</sup> For this style of early Kyivan princely palaces, see *PVL* 1:86, 2:349; Karger, *Drevnii Kiev* 2:79–82; Yurii S. Asieiev, *Arkhitektura Kyivs'koi Rusi* (Kyiv 1969), 35–37; Spegal'skii, *Zhilishche Severo-Zapadnoi Rusi*, 256–59, 262–64; and Rappoport, *Drevnerusskoe zhilishche*, 112–13, 115.

<sup>176</sup> See n. 133 above.

with frescoes, glazed ceramic tiles, carved marble, and pink slate details, could have served as a formal reception, council, or even princely throne round room. (This does not exclude the possibility, however, that the palace complex in the oldest citadel on the Starokyivs'ka Hill also contained some larger masonry or wooden audience/throne halls, for instance, like a *gridnitsa*.) So too, the rotunda's wooden upper storey (or storeys), covered with plaster and frescoes, likely housed a private living quarter, e.g., the prince's bedchamber, called *lozhnitsa* or *odrina* in Rus' and/or elevated living-room (*gornitsa* or *povallusha*).<sup>177</sup>

#### A CRITICAL ANALYSIS OF THE GRAPHIC RECONSTRUCTION OF THE PALACE

The researchers who excavated this monument have not created any reconstruction of its superstructure, primarily as a result of the very fragmentary character of the uncovered remnants. For the same reason, I have not provided a reconstruction of my own. Nevertheless, some scholars have been tempted to visualize this earliest discovered Kyivan palace. Their attempts to identify it with a chronicle miniature depiction and graphically to reconstruct this structure will be reviewed below.

Viktor Kharlamov had associated it with the palace of Princess Olha mentioned in the chronicles under the entry for 945. By extension, he asserted that it is this specific palace with a wooden superstructure which was portrayed in the Radziwiłł (Königsberg) Chronicle miniature illustrating this entry (fig. 5).<sup>178</sup> However, the inconsistency of an identification of Olha's "tower palace" or *terem kamen* of the chronicles with the circular palace has been shown above (see p. 261). Likewise, the association of the latter with the representation of this princely "tower palace" in the Radziwiłł miniature is invalid. Moreover, the miniature in question pictures an entirely wooden tower with a timber frame at its lower storey and no masonry ground floor like that of the circular palace (fig. 5; Olha, herself, is depicted on its upper level, which was crowned with a gabled roof). In fact, the circular palace was neither mentioned in the chronicles, nor portrayed in the extant miniatures of Rus'. In addition,

<sup>177</sup> For these styles of Rus' dwellings, see I. I. Sreznevskii, *Materialy dlia slovaria drevnerusskogo iazyka po pis'mennym pamiatnikam*, vol. 1 (St. Petersburg, 1893), cols. 560–61, vol. 2 (St. Petersburg, 1895), cols. 43–44, 621–22, 993; Lubor Niederle, *Rukověť slovanských starožitností* (Prague, 1953), 271, 274; Spegal'skii, *Zhilishche Severo-Zapadnoi Rusi*, 114–36, 236–37, and fig. 57; G. V. Borisevich, "Khoromnoe zодchestvo Novgoroda," in *Novgorodskii zbornik: 50-let raskopok Novgoroda* (Moscow, 1982), 271, 287–89; and Rabinovich, *Ocherki material'noi kul'tury*, 22, 34, 37, 63, 65, 69–73.

<sup>178</sup> Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 106, 110; see *PVL* 1:40; and *Radzivilovskaia ili Kenigsbergaskaia letopis'*, miniature on fol. 28.

the veracity of both Rus' and Byzantine illuminations as sources for the re-creation of contemporaneous architectural monuments has justifiably been questioned.<sup>179</sup>

Recently the Swedish archaeologist Johan Callmer suggested an interesting graphic reconstruction of Kyiv's centre in the late tenth century (fig. 11).<sup>180</sup> There, he has restored in sketchy drawing all the excavated tenth-century Byzantine masonry structures of the city—the Tithes Church, the elongated Western, Southern, and Eastern palaces, and the rotunda in question (its southern view). According to Callmer, the latter represented a comparatively small two-storied round palace with a high conical roof. Following Kharlamov's rotundal reconstructive plan,<sup>181</sup> the walls of the masonry ground floor were reinforced by buttresses. The doorway was located in the southern wall, but the small tambour or vestibule has not been reproduced.

It is noteworthy that only Callmer rightly restored the second storeys of all tenth-century Kyivan palaces as being made of logs on the basis of archaeological research.<sup>182</sup> Conversely, the models and graphic reconstructions of the Southern and Western palaces, proposed by the architects D. P. Maziukevych (1968), Yurii Asieiev (1982), and Viktor Kharlamov (1989),<sup>183</sup> have omitted this significant distinctive structural feature. These specialists have recreated them as wholly masonry two or three-storied elongated rectangular edifices (fig. 12). Their reconstructions were derived from the untrustworthy depictions of Rus' palaces in the Radziwiłł Chronicle miniatures and the territorially distant analogies of a few extant Byzantine palaces, like the so-called Fondaco dei Turchi palace, which has survived in Venice from the eleventh century.<sup>184</sup>

<sup>179</sup> Krautheimer, *Early Christian and Byzantine Architecture*, 366–67; Rabinovich, *Ocherki material'noi kul'tury*, 29. Cf. O. I. Podobedova, *Miniatiury russkikh istoricheskikh rukopisei* (Moscow, 1965), 30–32; 72, 74, 88–89, 99, 193–97; *Novoe v arkheologii Kiev*, 181, 185, 190–91, and fig. 75; Boris A. Rybakov, *Iz istorii kul'tury Drevnei Rusi* (Moscow, 1984), 192–94, 208–9, 217–19, 238–39.

<sup>180</sup> Callmer, "Archaeology of Kiev," fig. 10 and pp. 335–36, 341–43.

<sup>181</sup> Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," figs. 1, 2.

<sup>182</sup> See nn. 26 and 159 above.

<sup>183</sup> Maziukevych's model of tenth- to thirteenth-century Kyiv is exhibited at the National Historical Museum of Ukraine in Kyiv. Photo fragments of this model are published in Kilievich, *Detinets Kiev*, 58–59, and in *Mystetstvo Kyivs'koi Rusi*, compiled and introduced by Yurii S. Aseyev (Kyiv, 1989), figs. 1, 6. Asieiev's reconstruction was first published in his *Arkhitectura drevnego Kiev*, fig. on p. 25; and both Kharlamov's and Asieiev's reconstructions appear in Miletskii and Tolochko, *Park-Muzei*, 49, 50, and in Tolochko, *Kyivs'ka Rus'*, 47.

<sup>184</sup> Asieiev, *Dzherela*, 63; idem, *Arkhitectura drevnego Kiev*, 27, 28. For the Fondaco dei Turchi palace, see, for example, Swoboda, *Römische und Romanische Paläste*, 185–99, fig. 79, and pls. VIIIc, IXa; and *Venezia e Bisanzio*, ed. Sergio Bettini (Milan, 1974), 28 and fig. 8.

In restoring these early Kyivan palaces, however, clear archaeological evidence about their timber superstructures as well as the tradition of combining masonry and wooden storeys in residential houses of medieval and modern Eastern Slavs should not be ignored.

The specific design of the timber second floors that Callmer has reproduced for the rotunda and the other Kyivan palaces may be disputed. In his view, these floors were surrounded by open galleries along their perimeters with log (or plank) parapets and posts supporting the roof. The facades of these horizontal log walls seem to be unstuccoed, in a manner that was common for the wooden architecture of Novgorod the Great and Muscovy (cf. figs. 9, 11, and 13b).<sup>185</sup> Also, open timber staircases ascending to the second floors from the yards were attached to the palace's facades.

This style of elevated timber gallery from the late tenth century is known in local Kyivan architecture as *seni* or *sennitsa*. For example, according to the Rus' Primary Chronicle and a miniature in the Radziwiłł Chronicle, the upper storey of the wooden dwelling of the two Christian Varangians, who were martyred by the pagan Kyivans in 983, represented such a *seni* (fig. 13a).<sup>186</sup> In this structure and in some boyar houses, this gallery conceivably had residential functions—e.g., as a bedchamber at boyar Ratibor's court at Pereiaslav (1095).<sup>187</sup>

In the princely palaces of Rus', the spacious timber galleries or *seni*, located on the second floors with adjacent halls and outside staircases, like those of Callmer's reconstruction, are known only from the second part of the eleventh century and during the twelfth century. Sometimes, these galleries or terraces were established on log supporting pillars in both the urban dwellings (983) and palaces (1150) of Kyiv (fig. 13). Furthermore, palatial *seni* typically served as a throne, reception, council, or banquet hall during this period.<sup>188</sup>

At the princely court of tenth-century Kyiv, however, these ceremonial functions were fulfilled by the masonry ground floor halls, primarily by the elongated *gridnitsy* of the chronicles, according to scholarly consensus.<sup>189</sup> These

<sup>185</sup> P. I. Zasurtsev, "Usad'by i postroiki drevnego Novgoroda," in *Materialy i issledovaniia po arkheologii SSSR* 123 (Moscow, 1963), 18–19; Spegal'skii, *Zhilishche Severo-Zapadnoi Rusi*, 128; Brumfield, *History of Russian Architecture*, 509, 515, 517, and figs. 657–77. Cf. below p. 283 and n. 194.

<sup>186</sup> *PVL* 1:58 and 2:328.

<sup>187</sup> *PSRL* 2:218.

<sup>188</sup> Nikolai N. Voronin, "Zhilishche," in *Istoriia kul'tury Drevnei Rusi*, vol. 1 (Moscow and Leningrad, 1948), 222–23, fig. 139; Karger, *Drevnii Kiev* 2:83–84 and fig. 23; Spegal'skii, *Zhilishche Severo-Zapadnoi Rusi*, 237–48, 256–57, 262–63, and figs. 69, 107; Borisevich, "Khoromnoe zodchestvo," 284–87; Rabinovich, *Ocherki material'noi kul'tury*, 22–23 and fig. 2.1.

<sup>189</sup> See n. 175 above.



halls represented Byzantine masonry architecture on Rus' soil. To recall, the wooden upper storeys of tenth-century Kyivan palaces, including the rotunda in question, probably constituted princely own residences, not a court ceremonial *seni*.

Consequently, Callmer's reconstruction of the timber superstructures of these palaces as *seni*-style galleries with unstuccoed facades reflects more the late eleventh- or twelfth-century plain local palatial architecture of Rus' than the less-known hybridal Byzantine-Rus' palaces of tenth-century Kyiv.

Some archaeological evidence about these structures' appearance should also be considered. Excavations have revealed that the facades of the log top storey of the Western palace (late tenth century) were covered by pink lime mortar with an admixture of crushed bricks. Large fragments of this mortar layer with imprints of the horizontal log walls have been uncovered near the palace.<sup>190</sup> Its wooden walls therefore imitated the stone and brick Byzantine edifices of early Rus' that were usually stuccoed by a thin pink mortar layer on the exterior.<sup>191</sup> In particular, this practice was detected by the archaeologists at the Tithes Church.<sup>192</sup>

Specific finds of a facade lime mortar layer with log wall imprints are lacking among the debris of the rotunda, the Southern, and Eastern palaces. Their remnants, however, are too meagre to prove conclusively that such a layer was not applied to them. It is quite possible that both the timber and the masonry exterior walls of all these palaces were stuccoed in a similar manner by pink mortar, thus imitating the outward appearance of the wholly masonry Byzantine structures.<sup>193</sup>

Although the remnants of burned logs and beams have been found among its debris, the application of outer walls from long horizontally laid logs in the upper storey of this middle-sized round edifice seems less justified than in the larger Kyivan palaces of rectangular shape. More likely the walls of the rotunda's top floor were made of short thin horizontal logs, beams, or planks fastened at their ends in vertical posts. This lighter structural type of wooden wall was current in Southern Rus', particularly in the Kyivan Upper City, where it coexisted with walling from solely horizontal massive logs joint to-

<sup>190</sup> Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury," 112, 116.

<sup>191</sup> Rappoport, *Building the Churches*, 111, 113, 117.

<sup>192</sup> Larysa Hanzenko, Yurii Koreniuk, and Olena Mednikova, "Novi doslidzhennia arkeoholichnykh kolektsii stinopysu Desiatynnoi tserkvy ta prylehlykh sporud," in *Tserkva Bohorodytsi Desiatynna v Kyievi*, ed. Tolochko, 69–70, 72–73.

<sup>193</sup> Likewise, wooden domes that surmounted the brick-and-stone St. Michael's Chapel (1098) in Oster and some other contemporaneous small masonry churches in Pereiaslav might have been stuccoed with lime and crushed-brick mortar. Thus, their drums looked like masonry works in appearance. See Logvin, "Pereiaslavskoe zodchestvo kontsa XI v.," 21.

gether by the dovetail method. Both of these types were traditionally practiced in the building of timber dwellings in Rus'-Ukraine where the walls were customarily plastered with a thin clay layer and whitewashed or painted on each side.<sup>194</sup>

However, the wooden upper floors of these Kyivan palaces, even stuccoed by lime mortar and roofed with ceramic tiles, could not have embodied architectural forms identical with stone and brick structures. Instead, they apparently represented certain indigenous residential timber buildings. Hence, the hitherto discussed models and graphic reconstructions of the Western and Southern palaces as two- or three-storied wholly masonry edifices have also failed to recreate the specific design of their wooden stuccoed superstructures.

### CONCLUSION

A detailed examination of the archaeological remnants of this rotunda and a broad comparative analysis of its construction and decorative techniques and materials lead to the following conclusions.

This monument represented a rich palace at the princely court within the oldest Kyiv citadel on Starokyivs'ka Hill, not a round church of the pre-Christian era as some scholars have contend. It constitutes the earliest archaeologically discovered Byzantine masonry edifice in all of Rus', built considerably earlier than the Baptism of the country in 988 and the erection of the Tithes Church (989–96) by Prince Volodymyr. Most likely Princess Olha commissioned this palace in the second half of 950s or early 960s. Using her diplomatic ties with the Byzantine Emperor and Ecumenical Patriarch, Olha could have imported Constantinopolitan masters, representing the most advanced and prestigious architectural school at that time, to Kyiv, rather than bringing master builders from Byzantium's provinces, specifically the nearest Crimea (Chersonesos), or from Bulgaria (Preslav). Apparently, it was Emperor Constantine VII Porphyrogenitus who dispatched masters from the Byzantine capital on Olha's request ca. 955–59.

The masonry construction technique and materials, adornment, and imported Byzantine or local architectural details of this palace were most closely analogous to those of the late tenth- to early twelfth-century structures erected by the Constantinopolitan masters and their native apprentices in the Middle Dnieper

<sup>194</sup> Tolochko, *Kiev i Kievskaiia zemlia*, 76–84 and figs. on pp. 70–71, 72, 73, 82–83; *Drevniaia Rus': Gorod, zamok, selo*, 144–45 and pls. 48, 49; Viktor A. Kharlamov, "Drevnerusskoe zhilishche," in *Arkheologiia Ukrainskoi SSR* 3:344–49 and fig. 83; Volodymyr I. Mezentssev, "The Emergence of the Podil and the Genesis of the City of Kiev: Problems of Dating," *Harvard Ukrainian Studies* 10 (1986): 55, 59–60, and figs. 5, 6.

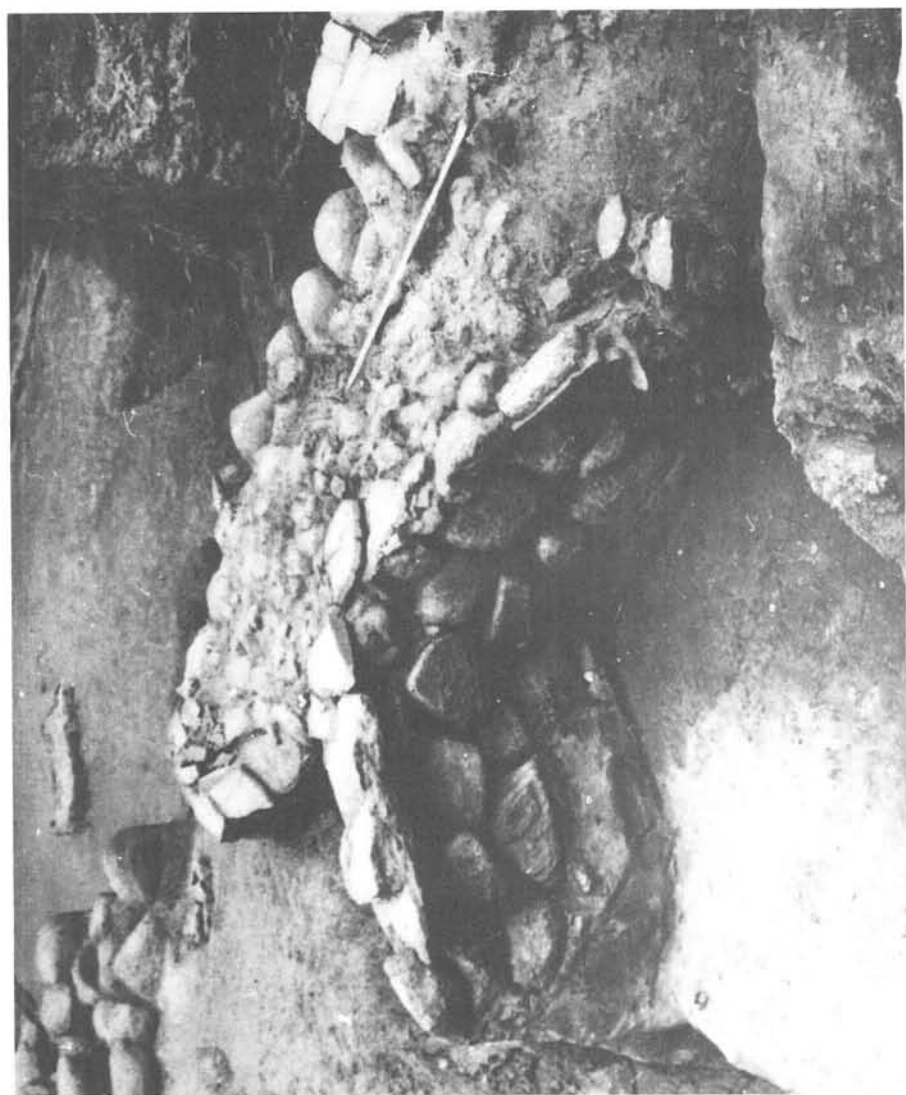
region, the kernel of the Kyivan Rus' state. However, some distinct building methods that were employed at this palace, notably the exceptionally thin (2 to 3 cm. thick) square bricks, testify to its earlier foundation date preceding to the Tithes Church.

This edifice was of moderate size and plausibly had a circular form that was unusual for the Byzantine architecture of tenth- to early twelfth-century Rus'. Nevertheless, the rotundal reconstructions of both its ground plan (by V. Kharlamov) and superstructure (J. Callmer) are hypothetical and need to be corroborated by new archaeological explorations (figs. 1, 2, 11; plate 2b). This presumably circular palace represented a hitherto little studied hybrid style of Byzantine-Rus' princely palaces. In particular, it was different from the small square tower-like or large elongated rectangular princely palaces of early Rus' known as *terem* and *gridnitsa* respectively (cf. figs. 1, 2, 6, 11, 12).

Similar to the late tenth-century Kyivan palaces erected by Volodymyr, Olha's mid-tenth-century circular palace probably assumed both court ceremonial and residential functions. These palaces also embodied the synthesis of Byzantine masonry and indigenous Rus' wooden architecture, construction techniques and materials. Their local structural traits were likely caused by the broad use of domestic stone and timber materials and some influences of Kyivan wooden palatial architecture as well as the participation of native Rus' builders and artisans in the construction and ornamentation of these edifices.

All these tenth-century Kyivan palaces had combination of masonry and wooden storeys (fig. 11). The Byzantine master builders and decorators constructed the circular palace's ground level of brick and stone and richly embellished it with glazed ceramic floor tiles, murals, and imported Prokonnesian marble and locally made Ovruch slate architectural and ornamental details (fig. 4). This level evidently had a timber ceiling rather than masonry vaults. It conceivably was intended for court ceremonial purposes and could have constituted an official audience, council, or princely throne room like in the other tenth-century Kyivan palaces.

The lighter wooden upper storey (or storeys) of these early Kyivan palaces apparently contained a princely private residence. They may well have been built by native carpenters and modelled on certain timber residential houses of early Rus'. These superstructures, however, cannot be convincingly reconstructed as a purely indigenous palace style called *seni* or *sennitsa* which was made entirely of wood with unstuccoed facades and was widespread in Rus' during the late eleventh century and the twelfth century (fig. 13). Despite their presumably local design, the timber superstructures of these Kyivan palaces actually imitated the appearance of the masonry Byzantine edifices. Thus, the Byzantine masons and mural painters evidently applied their traditional trim-



1. The circular palace: the best-preserved southwestern fragment of its foundation. The excavations of 1981–82  
(photograph courtesy of S. Vysots'kyi).

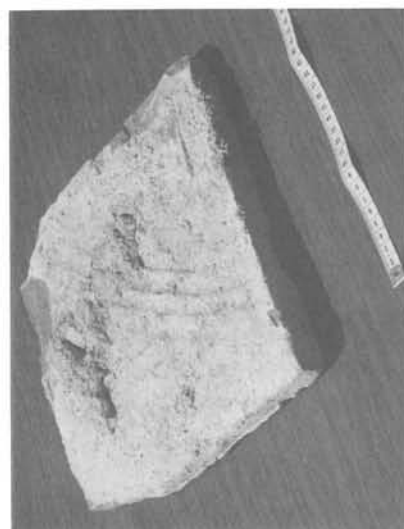
a.



b.



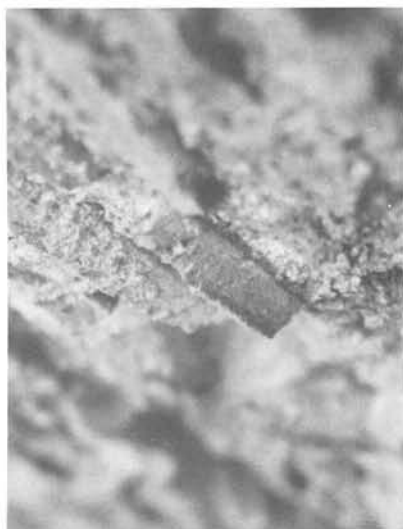
2. Excavated foundation remnants of the circular palace. (Photographs courtesy of S. Vysots'kyi)
- a. Southern fragment of the foundation. The excavations of 1971.
  - b. Reconstruction of the ground plan with foundation fragments. View from the northeast (1993).



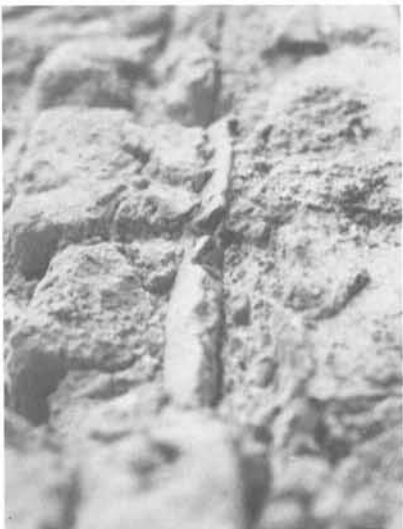
a.



b.



c.



d.

3. Byzantine bricks of the tenth to twelfth centuries (photographs by the author, 1992).

- a. Brick ( $28 \times 27 \times 2.5$ – $3$  cm.) from the repair of the Theodosian Land Wall in Yedikule, Istanbul (with permission of M. Ahunbay).
- b. Brick with slanted edges in the facade of the upper level of the Tower Prison or *Anemas* in Constantinople.
- c,d. Bricks with slanted edges from the repair of an apse wall of the St. George Rotunda in Thessaloniki (with permission of K. Theocharidou).

*Volodymyr I. Mezentsev: The Circular Palace of Princess Olha in Kyiv (955–59).*



4a. St. George Rotunda (293–311), Thessaloniki, Greece (photograph by the author, 1992).



4b. St. George Church (fourth century), Sofia, Bulgaria (photograph by the author, 1995).

ming and decorative techniques for plastering and adorning these wooden storeys with frescoes in the interior. They also stuccoed them with a pink lime and crushed-brick mortar on the facades, roofed them with ceramic tiles, and probably installed a window glass.

The specific combination of masonry and timber levels, first detected (and maybe even originating) at the circular palace, was later practiced in the late tenth-century Eastern, Western, and Southern princely palaces in Kyiv (fig. 11). Subsequently, this combination became widely used in the palatial and ordinary urban architecture of Ukraine, Russia, and Belorus' prior to the nineteenth century (fig. 9).

The extensive employment of local granite, sandstone, quartzite, and especially Ovruch slate in the construction and ornamentation of the circular and other early Kyivan palaces constituted a distinctive and characteristic feature of the Byzantine masonry edifices of Rus' capital. It is likely that domestic stone carvers and other craftsmen, working under the direction of Byzantine master builders and decorators, obtained and processed these local stone materials.

These indigenous structural features as well as the presumed input of native masters are revealed already in this mid-tenth-century circular palace, the earliest excavated Byzantine structure in Rus'. In light of available archaeological data, this edifice seemingly initiated the development of masonry palatial architecture and monumental decorative art in the Eastern Slavic lands.

Unfortunately, attempts to reconstruct the architectural aspects of the circular and other tenth-century Kyivan palaces are speculative and still premature as a result of very limited archaeological source materials. Only reexcavations of the remnants of these intriguing palaces could potentially yield the necessary evidence for their well-grounded reconstructions as well as their further archaeological and architectural analysis.

*Pontifical Institute of Mediaeval Studies.*



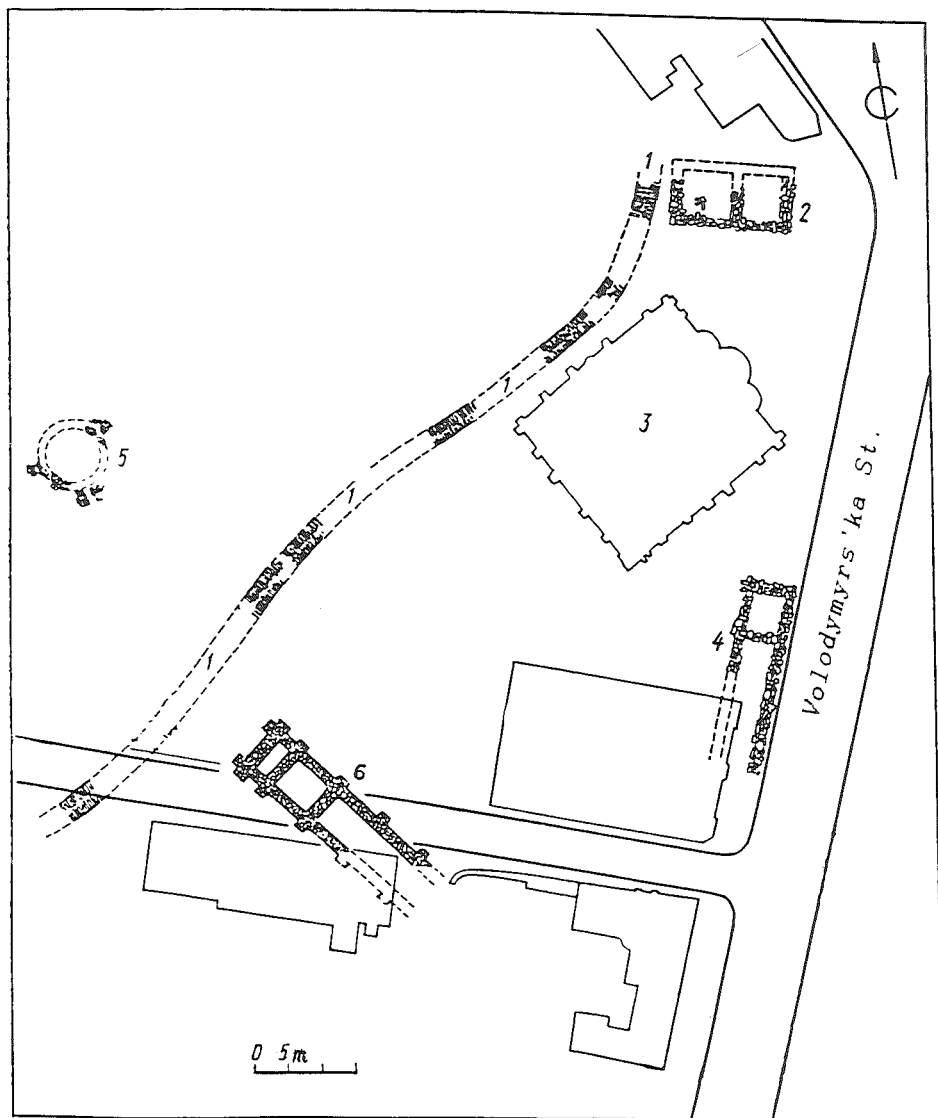


Fig. 1. Plans of the excavated foundations of the tenth-century princely palaces and the Tithes Church (989–96) on Starokyivs'ka Hill in Kyiv (after V. Kharlamov, 1985).

*Legend:*

1. Moat of the earliest citadel; 2. Eastern palace; 3. Tithes Church; 4. Southern palace;
5. Palace of Princess Olha; 6. Western palace.

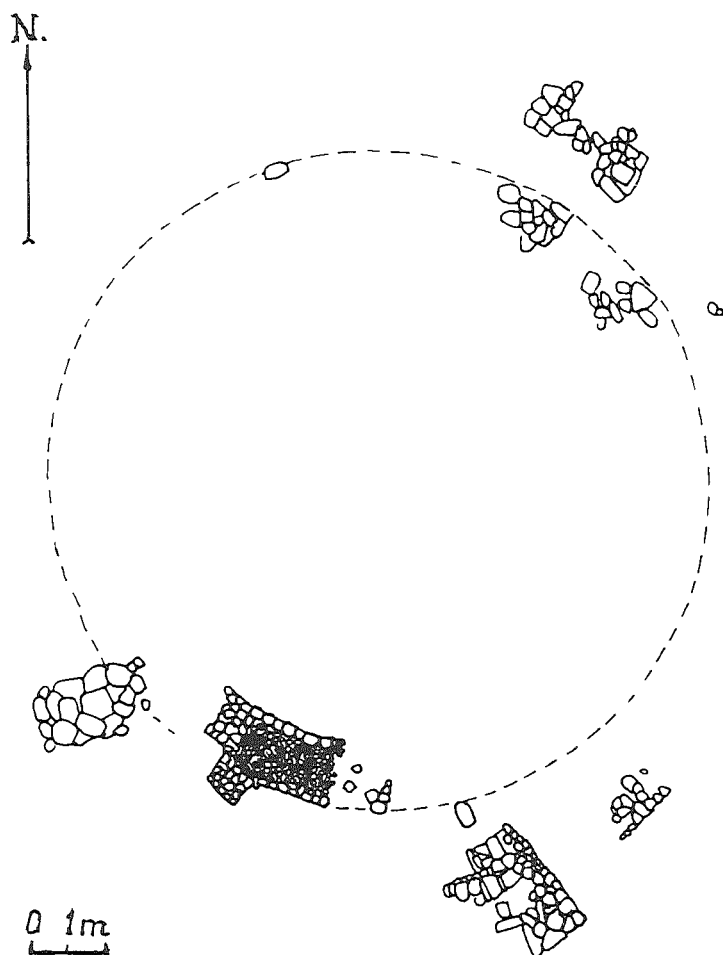


Fig. 2. Outline of the excavated foundation remnants of the circular palace. From Johan Callmer, "The Archaeology of Kiev to the End of the Earliest Urban Phase," *Harvard Ukrainian Studies* 11 (1987): 359, fig. 6.

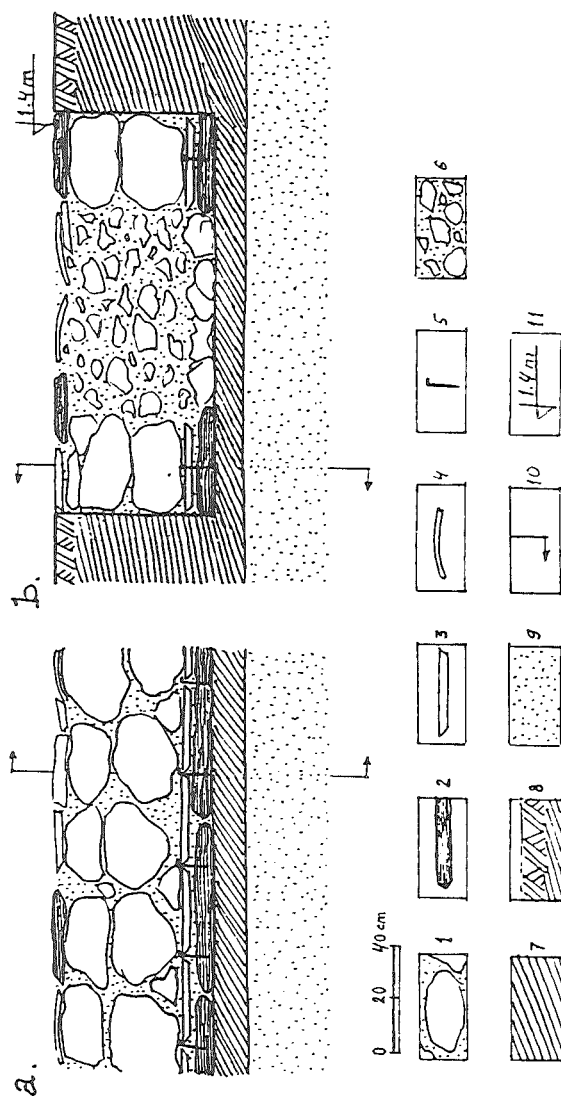


Fig. 3. Reconstruction of the foundation of the circular palace (by the author).

a. Longitudinal section of the foundation facing wall.

b. Transversal section of the foundation.

*Legend:*

1. Granite boulders set on clay mortar; 2. Slabs of Ovruch slate; 3. Square thin bricks with slanted edges;
4. Fragments of ceramic roof tiles; 5. Massive iron spikes; 6. Rubble core of tiny stones and building refuse set on clay mortar; 7. Humus layer; 8. Contemporary ground level, mid-tenth century; 9. Loess subsoil; 10. Cross-section points; 11. Depth of the foundation top edge from the present-day surface.

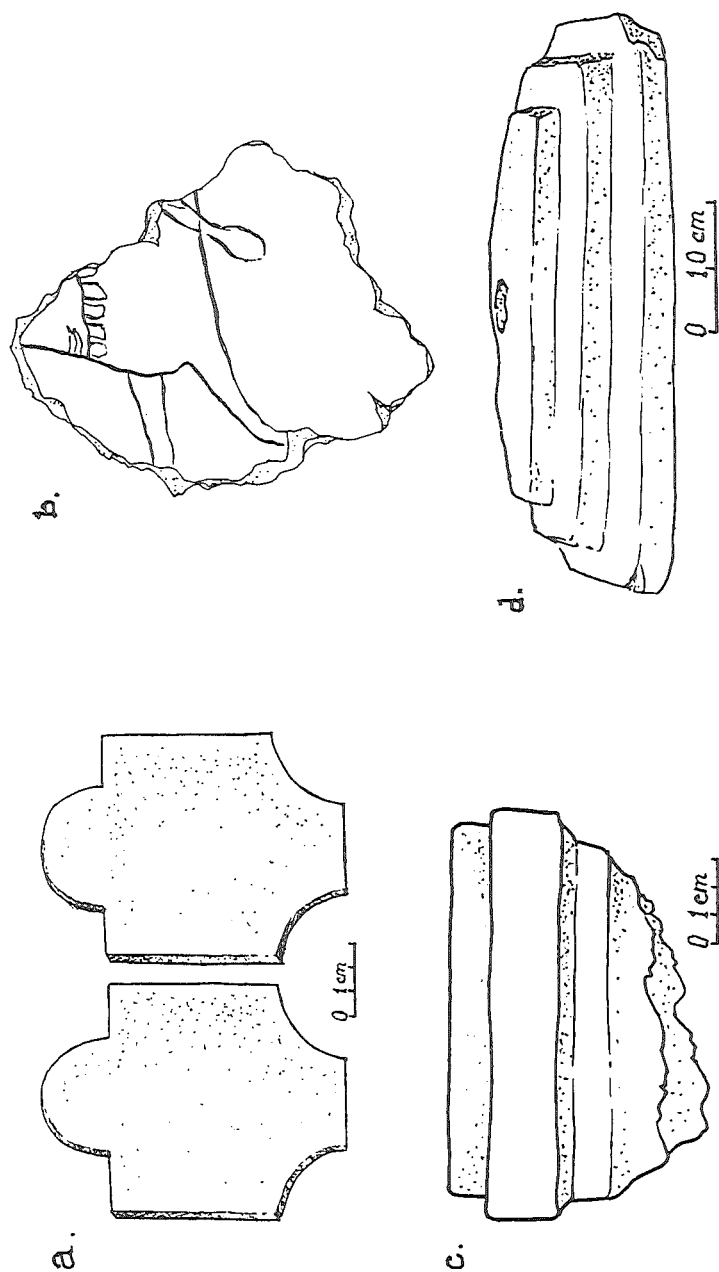


Fig. 4. Decoration of the circular palace. Redrawn from Viktor A. Kharlamov, "Issledovaniia kamennoi monumental'noi arkhitektury Kiieva X-XIII vv.," in *Arkheologicheskie issledovaniia Kiieva 1978-1983 gg.*, ed. Petro P. Tolochko et al. (Kyiv: Naukova dumka, 1985), 109-10, figs. 4-7.

a. Glazed ceramic floor tiles.

b. Fragment of fresco plaster with graffiti.

c. Marble impost.

d. Slate capital.

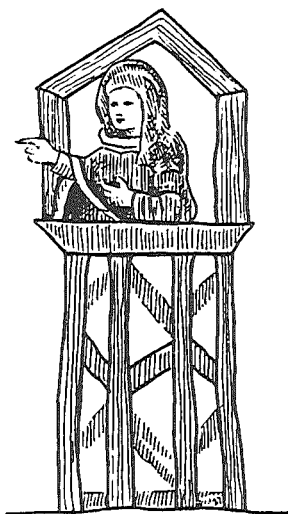


Fig. 5. The tower palace (*terem*) of Princess Olha in Kyiv (945). Redrawn from the miniature of the Radziwiłł or Königsberg Chronicle, fol. 28.

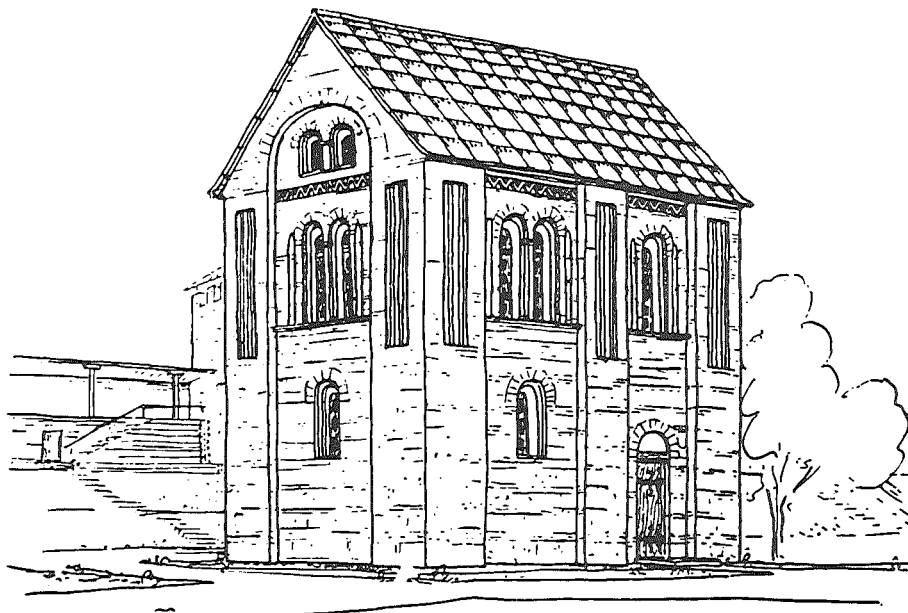


Fig. 6. The twelfth-century tower palace (*terem*) at the princely court in Chernihiv, Ukraine. Reconstruction by M. Kholostenko.

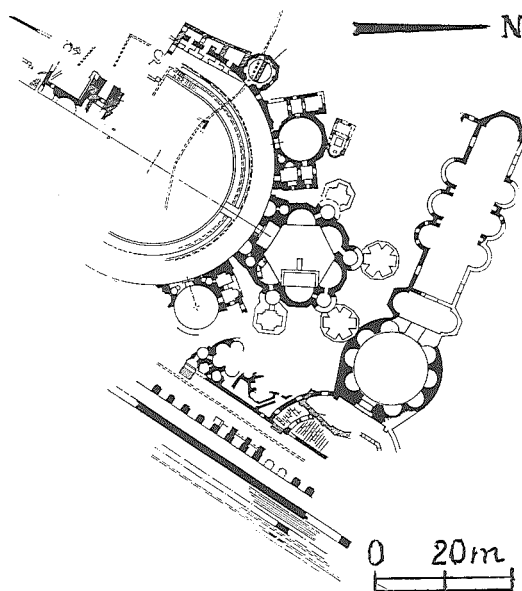


Fig. 7. Constantinople, the fifth-century mansions of Antiochus and Lausus (right), ground plans (after R. Naumann and H. Belting, 1966). From Cyril Mango, *Byzantine Architecture* (New York: Electa/Rizzoli, 1985), fig. 72.

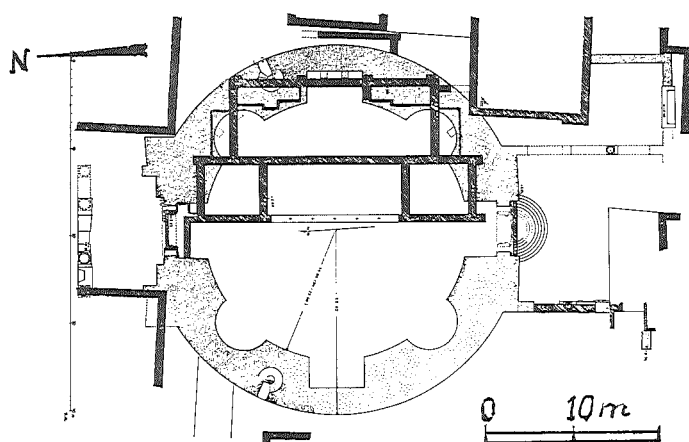


Fig. 8. Plan of the rotundal hall which preceded the Myrelaion palace (ca. 922) in Constantinople (after R. Naumann, 1966). From Cecil L. Striker, *The Myrelaion (Bodrum Camii) in Istanbul* (Princeton University Press, 1981), fig. 69.

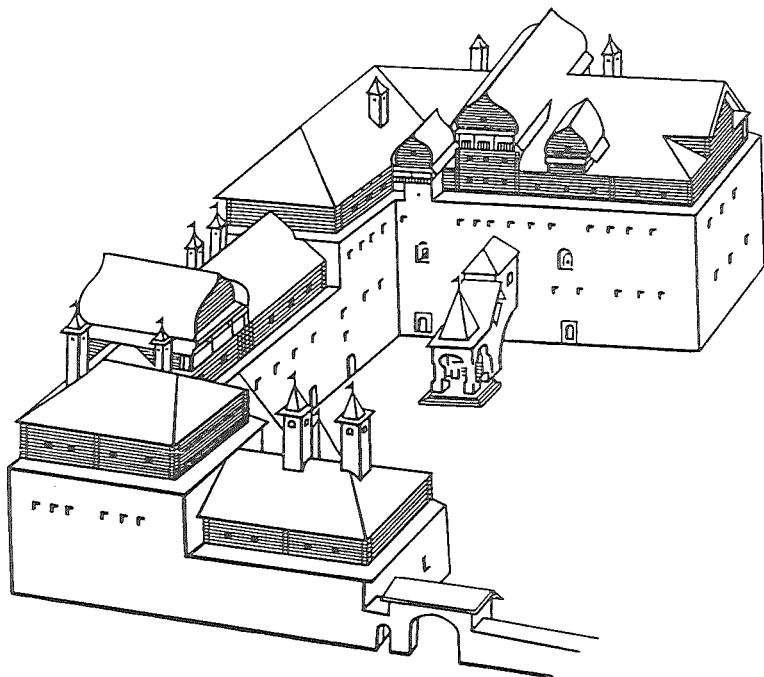


Fig. 9. Early seventeenth-century stone mansion with top stories of logs called "Pogankiny palaty" in Pskov, Russia. Reconstruction by Iu. Spegal'skii.

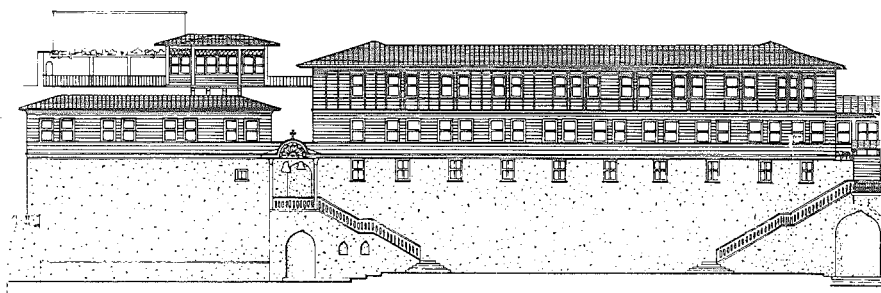
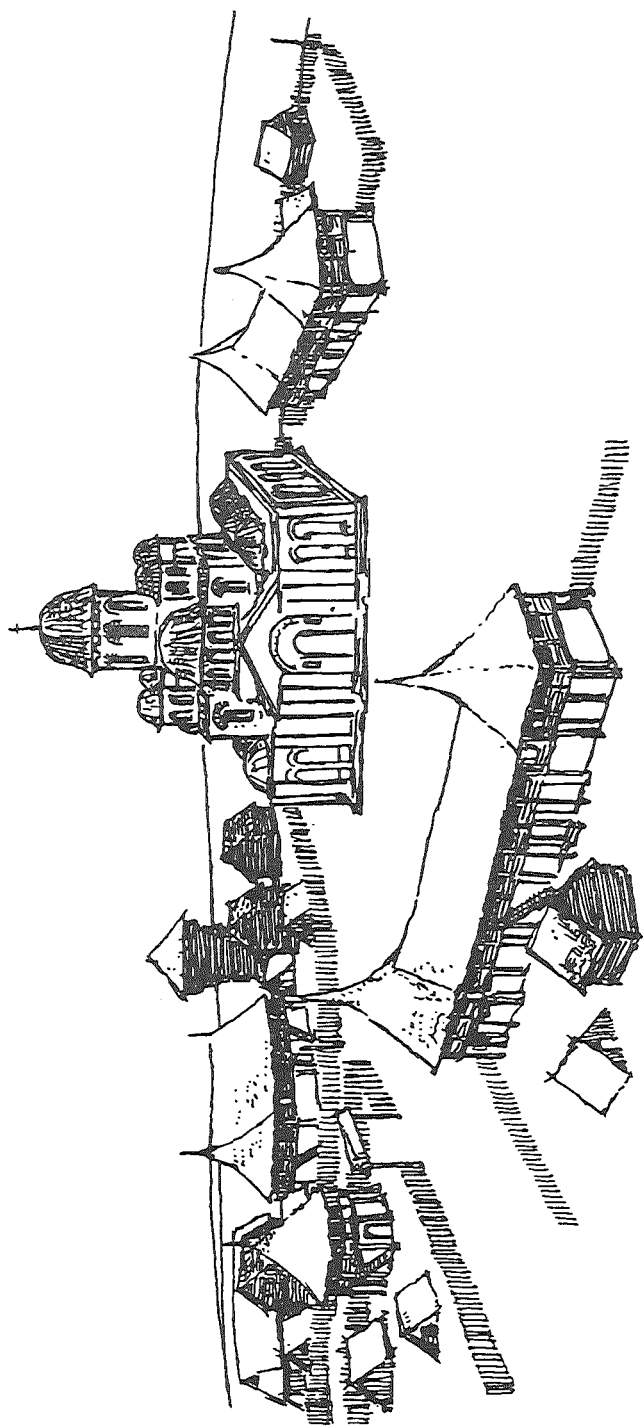


Fig. 10. Restored complex of the Patriarchate (1600) in Phanar, Istanbul. "Papadika" edifice (left) and the Cells of the Clerics both with residential upper floors made of planks. Drawing by A. Pasadaios, from *The Oecumenical Patriarchate*, ed. A. Paliouras (Athens and Geneva: E. Tzaferis S. A., 1989), fig. 25.



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Fig. 11. Reconstruction of the tenth-century princely palaces around the Tithes Church in Kyiv, including the circular palace on the left. From Johan Callmer, "The Archaeology of Kiev to the End of the Earliest Urban Phase," *Harvard Ukrainian Studies* 11 (1987): 363, fig. 10.



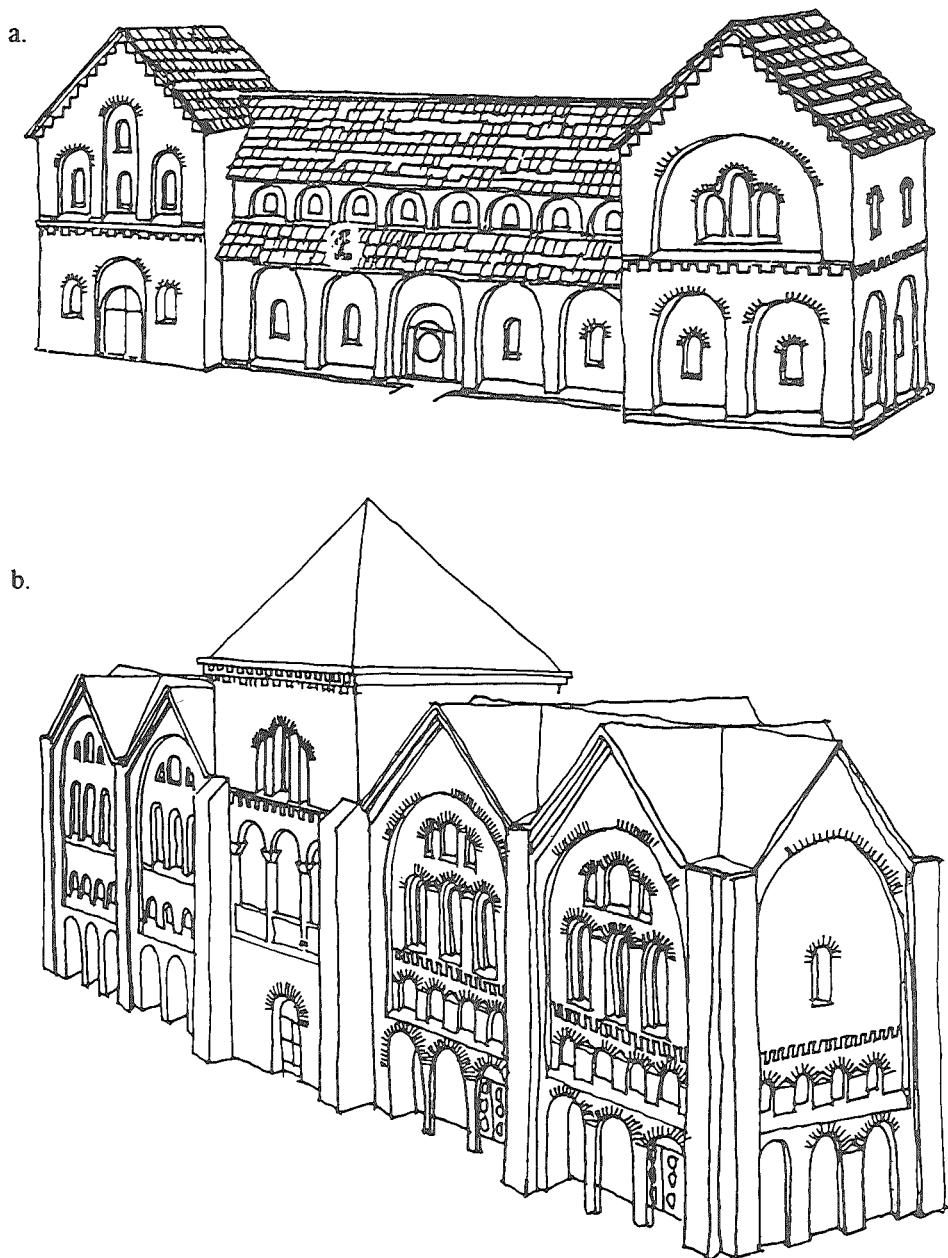
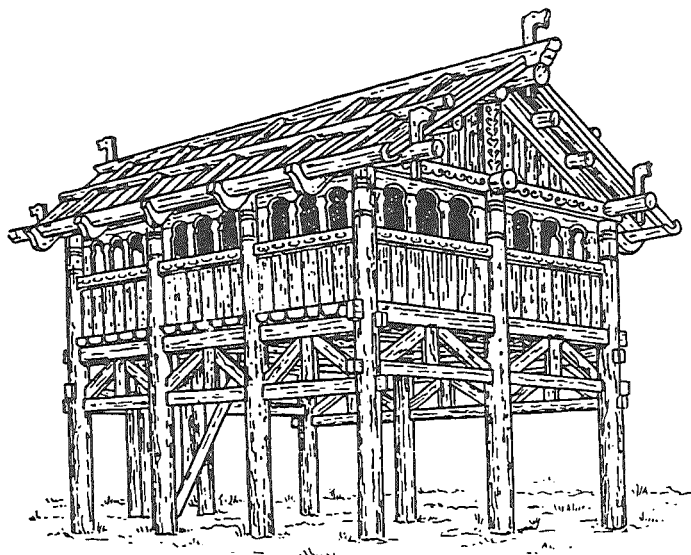


Fig. 12. Reconstructions of the Southern (a) and Western (b) princely palaces in Kyiv, late tenth century (after Yu. Asieiev and V. Kharlamov, 1989). From Avraam Miletskii and Petro Tolochko, *Park-muzei "Drevnii Kiev"* (Kyiv, 1989), figs. on pp. 50 and 49.

a.



b.

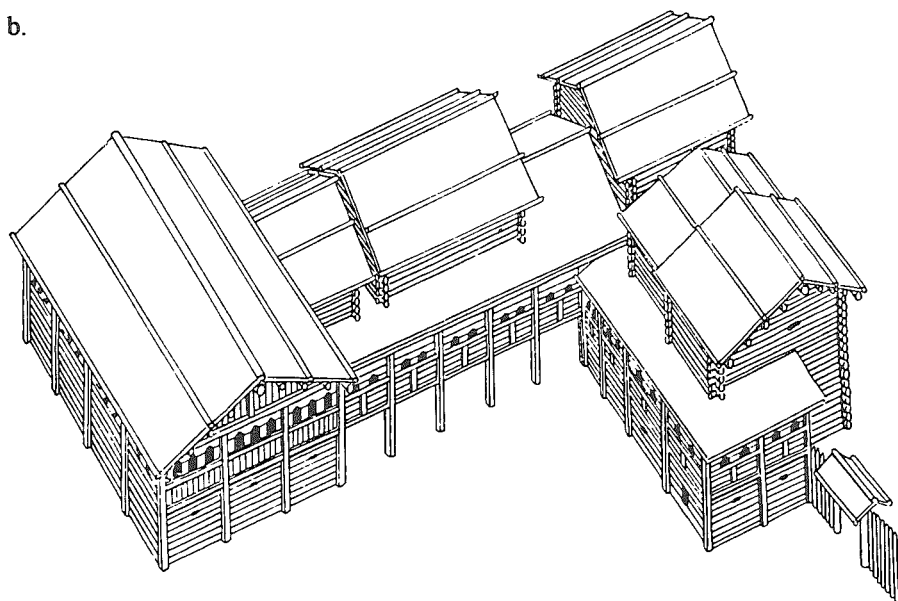


Fig. 13. Rus' wooden boyar houses with open galleries (*seni*) on the upper floors in tenth-century Kyiv (a) and in eleventh-century Novgorod (b). Reconstructions by Iu. Spegal'skii, in his *Zhilishche Severo-Zapadnoi Rusi IX–XIII vv.* (Leningrad, 1972), figs. 107 and 109.

## GATEHOUSES AND MOTHER HOUSES: A STUDY OF THE CISTERCIAN ABBEY OF ZARAKA\*

Kathryn E. Salzer

HAVING conquered Greece in the years after the Fourth Crusade in 1204, the Frankish invaders attempted to transplant their culture into the regions they had conquered. The effects of this attempt remained superficial and proved relatively transitory in most areas of Greece. The Franks left little of their culture behind when they lost their Greek territories, and the various medieval ruins which still dot the countryside from Istanbul to Kalamata are their principal legacy. One of these ruins was mentioned by an early nineteenth-century traveler as he made his way through the Stymphalian valley, an area memorable for its association with Hercules and his labors. The traveler noted the debris of ancient columns in the valley near a large church called the "Catholicon" by the local Greeks.<sup>1</sup> The traveler had in fact come across the remains of the Cistercian abbey of Zaraka, a Frankish foundation of the thirteenth century. The monastery of Zaraka lies near Lake Stymphalia, in a valley just southwest of Corinth in the northeastern Peloponnese. About a kilometer from the reed-filled shores of the lake, the monastery is bounded by hills immediately to the north, and to the south by the plain where an ancient city once flourished and can still be seen in the ruins scattered through the valley and atop the acropolis which commands the lake's edge.<sup>2</sup>

\* This paper is based loosely on the thesis I wrote for my License of Mediaeval Studies, undertaken at the Pontifical Institute of Mediaeval Studies. I would like to thank and recognize Dr. Sheila Campbell, with whose permission I have used the archaeological material on Zaraka and under whose direction I have both worked on the license and served as trench supervisor and Associate Field Director at the Zaraka excavations. My thanks are also due to Dr. Orestes Zervos for his assessment of the coins found during excavations at Zaraka, and to Mr. Richard Anderson, Mrs. Lea von Zuben Wiljer, and Dr. Mark D. Campbell for their work as architects on site.

<sup>1</sup> E. Puillon de Boblaye, *Expédition scientifique de Morée: Recherches géographiques sur les ruines de la Morée* (Paris, 1836), 147. The Katholicon is the principal church of a monastery.

<sup>2</sup> For the recent excavations at the ancient city, see the site reports by Hector Williams and Susan-Marie Cronkrite Price, "Excavations at Stymphalos, 1994," *Echos du monde classique/Classical Views*, n.s., 14 (1995): 1-22; Hector Williams, "Excavations at Stymphalos, 1995," *Echos du monde classique/Classical Views*, n.s., 15 (1996): 75-98; Hector Williams, Gerald Schaus, Susan-Marie Cronkrite Price, Ben Gourley, Holly Lutomsky, "Excavations at

The Frankish presence in medieval Greece was most noteworthy in the Peloponnesian peninsula, then called the Morea.<sup>3</sup> To find a Cistercian monastery in the Morea is in no way surprising.<sup>4</sup> The Cistercian Order had long been active in the crusades and had established a number of monasteries and nunneries throughout the East. As with many of these eastern houses, however, little is known about Zaraka. The following paper is an attempt to rectify this situation by reconstructing the abbey's history using, collectively, the archaeological, architectural, and written sources from the abbey. These sources help us to examine in particular the problems surrounding Zaraka's foundation date and the identity of its mother house. A second objective here is to offer a discussion of the abbey's gatehouse, which provides much of the architectural and archaeological data necessary for the larger interpretation of the site.

Excavations at the church and gatehouse at Zaraka have provided substantial information about the local monastic community, the site's physical character as compared to those of other Frankish sites, and the extent of economic interaction between Franks and Greeks, the latter of whom provided the labor for constructing the abbey. The gatehouse in particular while posing some extremely difficult problems, especially architectural, has allowed us to examine the unique mixture of western and Greek architecture which developed in medieval Greece, and has also offered the clearest evidence of secondary habitation at the site. It is this architectural and archaeological evidence which,

Ancient Stymphalos, 1996," *Echos du monde classique/Classical Views*, n.s., 16 (1997): 23–73. For the site report of the medieval monastery, see Sheila D. Campbell, "The Cistercian Monastery of Zaraka," *Echos du monde classique/Classical Views*, n.s., 16 (1997): 177–96.

<sup>3</sup> The Morea was the vulgar, Latin term used by the Franks to describe the Peloponnese, and it was the most common term in use from the thirteenth through the fifteenth centuries. For a discussion of the various regions implied by the term, see Antoine Bon, *La Morée franque: Recherches historiques, topographiques et archéologiques sur la principauté d'Achaïe* (1205–1430), 2 vols. (Paris, 1969), 1:306–14; K. M. Setton, "The Latins in Greece and the Aegean from the Fourth Crusade to the End of the Middle Ages," in *The Cambridge Medieval History*, vol. 4.1, ed. J. M. Hussey (Cambridge, 1966), 390; and Harold E. Lurier, trans., *Crusaders as Conquerors: The Chronicle of Morea* (New York, 1964), 101 n. 82. The present work follows the precedent set by current scholarship which uses the term to designate generally those areas of the peninsula held by the Franks.

A more formal term used to denote the peninsula's Frankish kingdom was Achaia. Like the term Morea, this one has historically referred to various areas. In thirteenth-century Frankish Greece, the designation was used primarily in formal titles, like those of the Prince and Princesses of Achaia, thus indicating that the Frankish rulers of the peninsula held as personal domain much of the land along the peninsula's northwestern coast. In addition, this formal usage was probably an imitation of earlier official titles. See Bon, *La Morée franque* 1:305.

<sup>4</sup> For an extensive discussion of the Cistercians in Greece after 1204, see Elizabeth A. R. Brown, "The Cistercians in the Latin Empire of Constantinople and Greece, 1204–1276," *Traditio* 14 (1958): 63–120.

when joined with the surviving written records, dates the primary habitation of Zaraka from between 1210 and 1225 to 1260, and allows the life of the monastic community to be charted. But first it must be set in a larger historical context.

The conquest of the Morea began shortly after that of Constantinople at the instigation of Geoffrey Villehardouin, a nephew of the famous chronicler.<sup>5</sup> Having gone directly to the East, Geoffrey had not traveled to Venice and Constantinople with the other crusaders. When sailing from Syria in 1204, a storm forced him to land at Modon on the southwestern coast of the Peloponnese. There he joined forces with a local Greek lord and proceeded to seize large areas of the western coastline as far north as Patras. When relations with his local supporters broke down after the death of his Greek ally, Geoffrey headed east to meet the Frankish troops besieging Corinth. There, in order to continue the conquest, he joined forces with William of Champlitte, and together in 1205 the two took on the conquest of much of the Morea. William of Champlitte became the first Prince of Achaia, while Geoffrey became seigneur of Kalamata in 1205 and of Arcadia in 1209. Geoffrey retained these lands after becoming Prince of Achaia himself, following confirmation at the Parliament of Ravenika in 1209 by the emperor to whom he swore direct allegiance. It was thus Geoffrey and his sons who established the model that would guide Frankish relations in the Morea with the indigenous Greeks, the ever-present Venetians, and other western crusaders in the East.

Three successive Villehardouins—Geoffrey I, and then his two sons, Geoffrey II and William—ruled the principality, gradually conquering, however briefly, the rest of the Peloponnese. They governed the entire peninsula, while holding personal lands around Kalamata, Corinth, and extensive areas along the western coast, including the capital at Andravida. Although in June of 1209 Geoffrey I had signed a treaty with the Venetians stating that the principality of Achaia was subject to Venice, this did not replace the fealty which Geoffrey had pledged a month earlier to the Latin emperor in Constantinople. Practically speaking, however, the Morea was independent until the last decades of the century.

William Villehardouin, the second son of Geoffrey I, was the first Frankish prince to be born in the Morea. The principality is considered to have reached its apogee during his reign, and the medieval *Chronicle of Morea*, which celebrates Villehardouin achievements, devotes much attention to William's life.<sup>6</sup>

<sup>5</sup> The history of Frankish Greece is related by, among others, Bon, *La Morée franque*, vol. 1, and Peter Lock, *The Franks in the Aegean, 1204–1500* (New York, 1995).

<sup>6</sup> There are medieval versions of the chronicle in Greek, French, Aragonese, and Italian. For the manuscript tradition, see Lurier, *Crusaders as Conquerors*, 32–61; and David Jacoby,

He completed the conquest of the Morea in 1248 and also undertook numerous building projects, including a fortress at Mistra which continued to flourish under Greek and Turkish rule. Yet it was during his reign that the weaknesses which would end Villehardouin rule in the Morea began to show. Complex political and military maneuvering, resulting in the imprisonment of William and many of his highest ranking vassals by the Nicaean emperor Michael VIII, forced William to seek a protector upon his release in 1261. One was eventually found in Charles of Anjou, with whom William signed the Treaty of Viterbo in 1267.<sup>7</sup>

Although there was Greek resistance centered in Epirus and Nicaea, the majority of the Moreot population remained passive during the Frankish conquest. The general indifference grew out of a number of twelfth-century political developments, including the Byzantine government's inability to rule the provinces directly, and a general resentment at excessive Byzantine taxation.<sup>8</sup> Indeed, the Frankish conquerors of the Morea were sometimes aided by archons, members of the Greek landed aristocracy.<sup>9</sup> Although this aristocracy represented only a small portion of the population and included men like Leo Sgouros,

"Quelques considérations sur les versions de la 'Chronique de Morée,'" *Journal des Savants* (1968): 133–89.

<sup>7</sup> According to the terms of the treaty, the principality passed out of Villehardouin hands after the death of William in 1278. William's daughter, Isabelle Villehardouin, and his granddaughter, Mathilda of Hainault, both ruled the Morea for a while, but only with Angevin acquiescence.

After the early years of the fourteenth century, the Morea was ruled by a varied series of individuals and religious groups. This allowed the Greek emperors, already restored at Constantinople, gradually to recover more territory in the peninsula. An exception to the general disorder, which for a long time prevented the complete reconquest of mainland Greece and the Morea, was the rule of Corinth and Athens by the Florentine Acciaiuoli family. The family's initial entrance into the Morea occurred when Niccolò Acciaiuoli first served as secretary to Catherine of Valois, titular empress of Constantinople, and received lands in the Morea in lieu of repayment of debts owed him. For the history of the Acciaiuoli in Greece, see Setton, "Latins in Greece and the Aegean," 406 ff.; and Nicolas Cheetham, *Mediaeval Greece* (New Haven, 1981), 166–88.

<sup>8</sup> See Robert Lee Wolff, "Greeks and Latins before and after 1204," *Ricerche di storia religiosa* 1 (Rome, 1957): 326–27.

<sup>9</sup> There is no consensus concerning the role of the archons in Greco-Frankish society. They are discussed extensively by Aneta Ilieva, *Frankish Morea (1205–1262): Socio-cultural Interaction Between the Franks and the Local Population* (Athens, 1991), esp. 85–86 and 93–99; David Jacoby, "Les archontes grecs et la féodalité en Morée franque," *Travaux et mémoires du Centre de recherche d'histoire et civilisation byzantines* 2 (1967): 421–81; Jean Longnon, *L'empire latin de Constantinople et la principauté de Morée* (Paris, 1949), 203; and Peter Topping, "Co-existence of Greeks and Latins in Frankish Morea and Venetian Crete," in *Actes du XV<sup>e</sup> Congrès International d'Études Byzantines*, vol. 4 (Athens, 1979), 5–6 (also printed in Topping's *Studies in Latin Greece, A.D. 1205–1715* [London, 1977]).

who for a time held Acrocorinth against the Franks, effective control of the Morea rested largely on maintaining good relations with these local lords.

There has been much discussion of Greco-Frankish relations after the conquest. Religious differences had long enabled a few intransigent men to create continual problems for relations between the East and West, and modern scholarship has often focused on these religious conflicts before and after the Fourth Crusade. Yet, each region of the new Frankish empire treated its Greek subjects differently. In the Morea, ties involved political concessions on the part of the Franks. It was the Morea's good fortune, for example, that early Frankish leaders there used the archons as allies and granted them privileges in return for their aid. This course was necessary in the Morea because the conquering force was small and had to govern a much larger indigenous population.<sup>10</sup> Many Greek landlords in the Morea retained their possessions by supporting the Franks and entering their service. Archons, for instance, were frequently admitted into the feudal hierarchy as lords of simple homage.<sup>11</sup> By mid-century, some were even knighted by the baron of Karytaina after serving him well in battle.<sup>12</sup> This was an extreme and unique case of favor, but it illustrates the Frankish use, even need, of Greek support in the Morea.

Other examples of Villehardouin innovation appeared in religious and political policies towards the Greeks. Geoffrey I promised the Greeks serving him the right to their own religion.<sup>13</sup> This was an important policy for Moreot relations, since it was not standard in other Frankish fiefs. Baldwin, Count of Flanders and Emperor of Constantinople, for instance, insisted on fusing the two churches.<sup>14</sup> Frankish law in the Morea, codified as the *Liber de consuetudinibus Imperii Romaniae*, and known now as the *Assizes of Romania*, further protected some traditional Greek rights.<sup>15</sup> Except for discouraging intermarriage between Franks and Greeks, the laws placed no new constraints on the Greeks.

<sup>10</sup> David Jacoby, "The Encounter of Two Societies: Western Conquerors and Byzantines in the Peloponnesus after the Fourth Crusade," *The American Historical Review* 78 (1973): 890.

<sup>11</sup> Peter W. Topping, *Feudal Institutions as Revealed in the Assizes of Romania: The Law Code of Frankish Greece* (Philadelphia, 1949), art. 71.

<sup>12</sup> Alfred Morel-Fatio, ed. and trans., *Libro de los fechos et conquistas del principado de la Morea / Chronique de Morée aux XIII<sup>e</sup> et XIV<sup>e</sup> siècles* (1885; rpt. Osnabrück, 1968), 69–74, paragraphs 311–31.

<sup>13</sup> John Schmitt, ed., *The Chronicle of Morea* (London, 1904; rpt. New York, 1979), lines 2093–7.

<sup>14</sup> Lurier, *Crusaders as Conquerors*, 10.

<sup>15</sup> The *Assizes of Romania* have been transmitted in 219 articles in a fourteenth-century code, which preserves a simpler thirteenth-century core of law. An excellent discussion of the assizes is given by Peter W. Topping, "The Formation of the Assizes of Romania," *Byzantion* 17 (1944–45): 304–14.

The codes, in fact, upheld Greek customs, especially in matters of inheritance where Greek law was more favorable to wives and daughters than was Frankish law.<sup>16</sup>

The model established by the Villehardouin family was fairly successful. For the most part, the Morea remained peaceful until the 1260s. There were, of course, some areas of resistance, generally where traditions of autonomy from Byzantine government had developed in the twelfth century.<sup>17</sup> Nonetheless, there were very few instances of internal revolt once the peninsula had been subdued. Aside from trouble with the Slavic tribes in the northwestern mountains and in Kalamata, there were only two instances of general Greek revolts, both of which occurred in Skorta, in 1262 and 1304.<sup>18</sup> It seems, therefore, that much of the animosity often discussed by modern scholars between western crusaders and local Greeks was, if not altogether absent, at least tempered in the Morea with a working tolerance.

We can now turn to an examination of the abbey of Zaraka itself. Although there exists on its own enough written evidence to reconstruct the general history of the Morea, it is necessary to combine a variety of evidence to obtain the same results for the abbey of Zaraka. Thus, as mentioned, we will consider written, archaeological, and architectural evidence when reconstructing the history of the abbey of Zaraka.

#### WRITTEN SOURCES OF ZARAKA

An initial problem regarding the history of Zaraka exists in determining the mother house of the abbey, even though the search begins and ends with a choice between the abbeys of Hautecombe and Morimond. These are the only Cistercian houses which are shown by extant sources to have been asked to establish monasteries in the Morea. In 1210, responding to a suggestion made by Geoffrey I Villehardouin at the instigation of the archbishop of Patras, Pope Innocent III requested that Hautecombe send some brothers to that same archbishop, as Geoffrey I was willing to grant them numerous possessions.<sup>19</sup> In 1225, the Order received another request for the construction of a Cistercian abbey, this time from Geoffrey I himself. The General Chapter relayed the pe-

<sup>16</sup> There are four articles which deal directly with Greeks, regulating their inheritance, the possibility of intermarriage with Franks, their rights of land acquisition, and the judicial question of Greek serfs. See Topping, *Feudal Institutions*, articles 71, 138, 194, 198.

<sup>17</sup> Wolff, "Greeks and Latins before and after 1204," 323, 326.

<sup>18</sup> Jacoby, "Encounter of Two Societies," 902.

<sup>19</sup> See the letter in *Acta Innocentii PP. III (1198-1216)*, ed. Theodosius Haluščynskyj, Fontes, ser. 3, vol. 2 (Vatican City, 1944), 525, no. 38.



tion for construction of the new house to the abbot of Morimond.<sup>20</sup>

Scholars disagree as to which abbey founded Zaraka.<sup>21</sup> Although most recent scholarship argues that Hautecombe founded Zaraka, there is more cumulative evidence suggesting that Morimond was, in fact, the mother house. It must be admitted immediately that neither case can be proven conclusively. Both abbeys were active in the crusader states, each established daughter houses in the East, and either could have founded Zaraka. By combining what evidence there is from the various sources, however, a plausible argument can be made for Morimond.<sup>22</sup>

<sup>20</sup> *Statuta Capitulum Generalium Ordinis Cisterciensis*, ed. J. M. Canivez, 8 vols. (Louvain, 1933–41), 2:47, no. 59.

<sup>21</sup> For arguments favoring Hautecombe, see Romain Clair, "Les filles d'Hautecombe dans l'empire latin de Constantinople," *Analecta Sacri Ordinis Cisterciensis* 17 (1961): 265–66; and Beata Kitsiki Panagopoulos, *Cistercian and Mendicant Monasteries in Medieval Greece* (Chicago, 1979), 28–29. Panagopoulos offers less firm support of Hautecombe as the mother house in her earlier paper, "Medieval Architecture in Greece: Western Monastic Orders in the Latin States Formed on Byzantine Territory," in *Actes du XV<sup>e</sup> Congrès International d'Études Byzantines*, vol. 2 (Athens, 1981), 276. For arguments in favor of Morimond as the mother house, see Brown, "Cistercians in the Latin Empire," 93–94.

The written evidence concerning these two houses has often been handled negligently and therefore misinterpreted, but simple errors can be easily cleared up. For instance, Hautecombe has mistakenly been identified as the house which the General Chapter ordered to respond to Geoffrey I Villehardouin's request for a Cistercian abbey in the Morea in 1225 (Paul Hetherington, *Byzantine and Medieval Greece: Churches, Castles and Art of the Mainland and the Peloponnese* [London, 1991], 220; Lock, *Franks in the Aegean*, 224), whereas we know that the request in 1225 was sent on to Morimond.

<sup>22</sup> I agree with Brown's assessment of Morimond as Zaraka's mother house and appreciate her argument concerning Geoffrey and Honorius. I disagree, however, with some aspects of her reasoning. She interprets the request from the archbishop of Patras in 1210 as evidence that the Cistercian monastery is to be built at Patras (Brown, "The Cistercians in the Latin Empire," 85–87). This she supports by a great deal of circumstantial evidence, especially a record of 1212 which mention a single monk of Hautecombe, now an abbot in Greece. Although the monk is presumed to be residing in Achaia, the source is not, in fact, specific. The Hautecombe monk is mentioned in the Cistercian statutes: "De monacho Altae Cumbae quondam abbate in Graecia, qui pecuniam moniali malae opinionis, ut dicitur, tradidit" (*Statuta* 1:397, no. 36). A problem exists here in the interpretation of the term Graecia, which does not necessarily mean the Morea. When used in contemporary records, the term Graecia generally referred to conquered Greece as a whole, and includes Constantinople, Salonika, Athens, the Morea, and various islands. Such use appears, for instance, in 1205 when Innocent III sends a mandate to all parts of the new Frankish kingdom, encouraging the establishment of the Catholic church throughout Greece: "magna pars Orientalis Ecclesiae, Graecia videlicet pene tota" (*Acta Innocentii III*, 303–4, no. 81 [quot. on 304]). The papal letter of 1210 does not state that the monks from Hautecombe are to reside permanently in Patras. It merely requests that they be sent to the archbishop there, who will presumably help them get settled.

In the same work of Brown, Geoffrey's request of 1225 is then held to prove that a group of monks from Morimond would adopt the monastery at Zaraka, which was to be transferred

There is a notable dearth of written sources which refers to Zaraka. Along with the two requests for the foundation of an unnamed Cistercian house in the Morea, only seven medieval references to Zaraka survive. There are three letters of 1236 and 1237 from Pope Gregory IX which include Zaraka among a number of other recipients and which concern religious and political questions.<sup>23</sup> The other four citations are from the *Statuta Capitularum Generalium Ordinis Cisterciensis* and range in dates from 1241 to 1260.<sup>24</sup> Two give instructions for the abbey, one is a reprimand to the abbot for not attending the meeting of the General Chapter, and another refers to the abbots of Daphne and St. Angelo, who are to inspect the site to which Zaraka's abbot intends to move the monastery. Zaraka is not mentioned in surviving documents after 1260. These records offer only the barest sketch of the abbey's life, and must be supplemented with other written and material evidence in order to place the monastery in an intelligible historical context.

#### ARCHAEOLOGICAL AND ARCHITECTURAL EVIDENCE<sup>25</sup>

As a result of centuries of plowing in the valley, the archaeological stratigraphy on the site of the abbey is mixed and generally does not allow a clear stratification to be established. Nevertheless, there is evidence of several distinct periods of habitation, including that of the thirteenth century when the abbey was constructed and first inhabited. The evidence of primary habitation is conclusive in the large quantity of pottery remains which match the medieval Frankish types established by the excavations at Corinth.<sup>26</sup> In addition, four

to the Order (Brown, "Cistercians in the Latin Empire," 93–94). While I agree with her interpretation of the political situation, it must be stated that the actual petition is for the construction of a monastery, *de construendo monasterio*, not for the transfer of an existing house, presumably Greek, to the Cistercian Order. The gerundive phrases *de construendo monasterio* and *de construenda abbatia* appear frequently in the *Statuta* when an entirely new abbey is to be built. (e.g., 1:385, no. 29, and 1:388–89, no. 49.) On the other hand, the verb *transferre*, which also occurs throughout the *Statuta* but not in this particular statute, is used to designate transfers within the Cistercian Order of established monastic houses, as for example in 1260 when the abbot of Zaraka wished to transfer, that is move, the location of his abbey: "Inspectio loci ad quem transferre intendit abbas de Saracha domum suam, de Dalphino et de Fusiensis abbatibus committitur" (*Statuta* 2:473, no. 58).

<sup>23</sup> For the letter from 1236, see *Acta Honorii III et Gregorii IX*, ed. Aloysius L. Tàutu, Fontes, ser. 3, vol. 3 (Vatican City, 1950), 292–93, no. 217. For the two letters from 1237, see *Tabulae Ordinis Theutonici*, ed. E. Strehlke (Berlin, 1869), 136, no. 136, and 137–39, no. 139.

<sup>24</sup> *Statuta* 2:236–37, no. 35; 432, no. 39; 470, no. 38; and 473, no. 58.

<sup>25</sup> Recent excavations at the abbey, running from 1993 to 1997, have been directed by Dr. Sheila Campbell.

<sup>26</sup> See the site reports on Corinth for discussions of Frankish pottery, Charles K. Williams

thirteenth-century coins have been found in various trenches established during the current excavations.<sup>27</sup> One, found where the chapter house was normally placed at Cistercian houses, is a coin of St. Martin of Tours from around 1200. An outer building produced an imitative Latin coin from between 1204 and 1261. Finally, a trench transecting both the narthex and the western range of the cloister produced two coins from the principate of William Villehardouin, one dating from between 1250 and 1260, the other from between 1245 and 1278. Regarding the thirteenth-century habitation, the most significant fact of current excavations is the small quantity of finds from the primary habitation period.<sup>28</sup> This is not surprising given Zaraka's short life as an abbey, which according to extant written sources has a *terminus post quem* from between 1210 and 1225, and *terminus ante quem* of 1260.

At the monastic site only the church and the gatehouse are still extant, though in a ruined state. The recent archaeological excavations here have focused on the church (plate 1), its cloister, the areas generally occupied by the chapter house, refectory and kitchen, and the gatehouse with several features in its vicinity. The plan of the monastic complex, including the gatehouse, exhibits the continuity seen in much Cistercian architecture (plate 2). The monastic buildings tend to follow the arrangement common to most Cistercian houses.<sup>29</sup>

II and Orestes H. Zervos, "Frankish Corinth: 1991," *Hesperia* 61 (1992): 133–91; "Frankish Corinth: 1992," *Hesperia* 62 (1993): 1–52; "Frankish Corinth: 1993," *Hesperia* 63 (1994): 1–56; "Frankish Corinth: 1994," *Hesperia* 65 (1995): 1–60. The pottery finds from Zaraka will be studied thoroughly in an up-coming study-season.

<sup>27</sup> Their catalog numbers, as listed in the unpublished, final site report, are 93.02, 93.09, 94.02, and 95.03.

<sup>28</sup> A much larger portion of the material discovered at Zaraka dates from a period of secondary habitation which can be well documented to the fourteenth and fifteenth centuries. One coin from the reign of Mahaut of Hainault, Princess of Achaia from 1316 to 1321, several late fourteenth-century Venetian coins, largely from the reign of Doge Andrea Contarini (1368–82), along with household finds and a large amount of Venetian pottery, are proof of this secondary habitation, a period which coincides with Florentine rule at Corinth and Catalan control of the Duchy of Athens.

The control of Corinth by the Florentine Acciaiuoli family was important for the secondary habitation at Zaraka, facilitating trade, and perhaps providing protection for a Frankish population at Stymphalia. An even later period of occupation may be evidenced by the finds of several small buttons found at the gatehouse and the cloister. These resemble buttons found at Corinth and are in a style popular from the fifteenth to the seventeenth century. See Williams and Zervos, "Frankish Corinth: 1991," 170 and pl. 44.38. It is not known whether this indicates a third period of habitation at Zaraka or are merely an extension of the second period. Given the absence of other definitively tertiary finds, they probably derive from a late phase of the secondary habitation.

<sup>29</sup> The plan taken as standard here is by Marcel Aubert, *L'architecture cistercienne en France*, 2d ed., 2 vols. (Paris, 1947), facing p. 1 of vol. 2. Variations on this plan did, of

The church lies roughly on an east-west axis, and evidence suggests the existence of a cloister adjacent to the southern wall of the church. Although the cloister itself is no longer extant, traces of its arches and corbels can be seen on the exterior of the church's southern wall. Excavation has also located the foundation of the returns for these arches on the northern range, that is, those coming from the southern side of the church.

Excavation in the southern range of the cloister has revealed several unidentified rooms, where traditionally stood the refectory and kitchen. To the west, there is distinct evidence of the cellar, the second floor of which typically housed the Cistercian lay brothers. The usual doorway allowing them access to the nave, or western end, of the church is evident at the far western corner of the southern wall of the church. At Zaraka, it is assumed that the lay brothers inhabited this building, though a dormer for the monks has not yet been discovered.<sup>30</sup> At the eastern end of the cloister is the area of the presumed chapter house. There is evidence for an attached column in the room's northwestern corner and the capital to top the column is extant, but no evidence of interior walls has yet been found.<sup>31</sup> And finally, although architectural features indicate the presence of a narthex, it remains elusive except for its eastern wall (the western facade of the church) and the fallen remains of an arched doorway and the lower courses of the wall separating the narthex from a ground-floor room of the cellar/dormer mentioned above.<sup>32</sup>

### THE GATEHOUSE

The church at Zaraka is under continued study, whereas study of the gatehouse has been nearly completed. Scholarship on the architectural and archaeological features of medieval abbeys has hitherto paid little attention to gatehouses. This is an unfortunate oversight, for the gatehouse was an integral

course, exist, but these do not negate its utility as a model in places such as Zaraka where it has been applied for archaeological purposes.

<sup>30</sup> The monks' dormer at Zaraka was not situated above the presumed chapter house, as was normally the case. The western edge of a clerestory window is evident in the church wall at the position where the dormer would normally abut the church.

<sup>31</sup> While making an inventory of loose, cut stones in the church during the 1997 archaeological season, Mr. Karl Lawrence noted a capital block which could not be placed in the church. I tentatively place it as a capital carved for the northwestern corner of the chapter house, as its shape fits that of a base piece (south side of church's southern wall) I noted when mapping the foundations of the entire site with Dr. Mark Campbell. This supports my theory that the abbey's stone buildings, especially its chapter house and narthex, were never finished.

<sup>32</sup> Regarding the elements of the narthex, see Campbell, "Cistercian Monastery of Zaraka," 181, 186.

part of every monastic house. Certainly, the gatehouse was generally not as grand as the abbey church, but its uses in protecting the abbey, greeting visitors, directing traffic, and housing guests were invaluable. The remains that can be examined at monastic gatehouses are therefore important in interpreting the life of an individual abbey. This is certainly true at Zaraka where buildings and an accompanying archaeological study of them display the economic status of the monastic house, the application of architectural trends, the interaction between Franks and Greeks at a fundamental level, and secondary habitation.

Although smaller than many fortified gatehouses in the western Europe, the gatehouse at Zaraka remains impressive (plate 3). A single, barrel-vaulted passage pierces the structure on an east-west axis. Mechanisms for supporting the now missing wooden doors and for locking the gate are still visible in the walls supporting the vault. The gate was locked with a wooden beam which the monks were able to push through a squared hole piercing the northern wall of the gatehouse. This hole, as well as part of the stone platform on which the beam rested when the gate was open, remains evident on the outside of the northern wall. The building is buttressed to the north and south by an enclosure wall, which is bonded into the walls of the gatehouse. Apart from the remains of the wall at the gatehouse, the enceinte has largely vanished.

The gatehouse has a second storey, the floor of which remains intact, though there have been repairs to it and the supporting barrel vault during this century.<sup>33</sup> Except at the eastern end, the walls at this level have largely disappeared. The bases of three of the building's corners and the two piers in the northern and southern walls, however, are extant, leaving enough evidence to determine the plan of the second storey. Evidence of corbels in the north- and southeastern corners and the beginnings of the arches which they supported, coupled with the enormous piers near the middle of both the northern and southern walls, indicate that two bays of quadripartite vaulting were used here. The cross vaults began at each of the four corners and terminated at the piers, thus creating the two bays. The vaults thrust much of the weight of the second storey downwards onto the corners of the gatehouse and the bonded enclosure walls. The interior flanks of both piers are sheer, suggesting that no permanent partition separated the two bays. Certainly no trace of one remains. The eastern wall, the only one still partly intact, has traces of an arch providing support for a window. It is possible that there were other windows, but so little remains of the other walls that we can only speculate.

The purpose of the upper room in this gatehouse remains unknown. At other Cistercian abbeys, such rooms had a variety of uses, including a chamber for

<sup>33</sup> A hole in the barrel vault and the second-storey floor is evident in a photograph by Bon, *La Morée franque*, vol. 2, pl. 122c. This has since been filled in a modern repair.

conducting the abbey's financial business, for receiving novices, or for accommodating guests. Alternatively, the room here may have been used as living quarters for the gatekeeper, since a porter's lodge has not yet been found elsewhere. There is, however, no hearth, and although the stones in the north-eastern corner are reddened by fire, it is impossible to determine when the fire occurred and whether it was accidental or intentional.<sup>34</sup>

The most intriguing aspect of the gatehouse is the absence of an internal staircase (along with, of course, the extensive secondary habitation). Other extant and excavated Cistercian gatehouses show that internal staircases, usually spiral, were commonplace.<sup>35</sup> Since this is absent at Zaraka, a particular goal of the current excavations has been to establish the location of an external staircase. Two facts suggest that the second-storey entrance was in the northern wall adjacent to the eastern side of the pier. First, the door must have been east of the piers, that is, within the enclosure wall for the sake of both convenience and safety. Second, the northern wall has a doorway which is bounded on the west by the pier and on the east by the remains of a wall extending from the northeastern corner of the gatehouse. The doorway remains apparent only at floor level where the surviving courses of the pier and the wall provide evidence of the door jambs.

The construction techniques used in building the gatehouse and the church are identical. Both include in their walls ashlar stones, salvage from structures at the ancient site, and variously sized pieces of rubble. Huge, quarried stones, generally porous limestone, compose the lower courses, whereas crudely shaped stones and rubble mixed with some brick appear at the higher elevations. Bricks and tile slips were used as fill to level stone courses; this technique is quite common in Frankish buildings throughout Greece and will be examined below more thoroughly.

The loss of quality as the elevation increases at Zaraka, however, is uncommon. The walls of the gatehouse and church are begun as solid ashlar-faced construction. At higher elevations they become purely rubble, and the quoins are the only squared stones. This is not the case at other Frankish sites in the Morea, such as the abbey at Isova, the church at Clarence, or the fortress at Karytaina, where consistently sized stones, whether ashlar or rubble, were

<sup>34</sup> The reddened aspect of these stones was pointed out to me by the architect, Mr. Richard Anderson.

<sup>35</sup> For examples, see the abbey of Fontenay in Burgundy (Lucien Bégule, *L'abbaye de Fontenay et l'architecture cistercienne* [Paris, 1928], 75), as well as Kirkstall Abbey in Yorkshire (Peter Fergusson, " 'Porta Patens Esto': Notes on Early Cistercian Gatehouses in the North of England," in *Medieval Architecture and its Intellectual Context—Studies in Honour of Peter Kidson*, ed. Eric Fernie and Paul Crossley [London, 1990], 54, pl. 16c).

used. This deterioration in the quality of the masonry results in a strong resemblance between the church and gatehouse at Zaraka, suggesting that the structures were constructed at the same time, with continuity in technique, materials, builders, and funding.

An interesting parallel to the construction at Zaraka exists in the freestanding Frankish towers built by minor western vassals throughout mainland Greece and Euboea. Of various medieval dates, these towers often display a similar diminution in stone quality at higher elevations, which has been convincingly attributed to a lack of money for construction.<sup>36</sup> The same no doubt holds true at Zaraka. The falling-off in quality cannot be attributed to a lack of technology, such as the ability to make and use winches for lifting the heavier blocks of stone. The abbey's workers possessed this technology, as proved by the quoins which, though extremely large, continue up the entire elevation of the gatehouse and church and do not stop where the walls of the same courses become rubble. Furthermore, holes still visible in the gatehouse and church walls indicate that mason's scaffolding was used during construction.<sup>37</sup> The ribbed vaults in the church, cloister, and gatehouse would also have required extensive scaffolding to support the stones until their mortar was set.

The main reason for the falling-off in quality was therefore a restricted budget and a consequent restriction on buying resources and hiring masons. Whenever natural resources were available in the valley, they were used for convenience and to cut costs. When resources, including masons, were not present, they had to be imported at great expense. Travel was, and still is, arduous through this mountainous region. The cost of transporting goods to Zaraka would have been excessive, particularly since the abbey lacked the usual monetary and technical support of its mother house. The result was that few resources were imported and few masons employed. It is likely that the community could not afford to employ masons extensively and was only willing to pay masons for such critical jobs as dressing the rib vaults. Rubble, not cut stones, was therefore used at higher elevations in the walls.

The local accessibility of stone alleviated the worst costs of construction, for the customarily high price of masonry reflected the high cost of transporta-

<sup>36</sup> Peter Lock, "The Frankish Towers of Central Greece," *The Annual of the British School at Athens* 81 (1986): 104. For further discussion of these towers by the same author, see "The Medieval Towers of Greece: A Problem in Chronology and Function," *Mediterranean Historical Review* 4 (1989): 129-45; and "The towers of Euboea: Lombard or Venetian; agrarian or strategic," in *The Archaeology of Medieval Greece*, ed. Peter Lock and G. D. R. Sanders (Oxford, 1996), 107-26.

<sup>37</sup> For good descriptions of medieval scaffolding types, see John Fitchen, *Building Construction before Mechanization* (Cambridge, Mass., 1986), 85-87.

tion.<sup>38</sup> Rubble was probably taken from the hillsides above the abbey.<sup>39</sup> Quarried stone came from two sources. Many of the cut stones were reused blocks from the remains of buildings in the ancient city. Such stones can be found in the structures of both the church and the gatehouse. Perhaps the most impressive piece is a funerary stele found in the southern trench at the gatehouse. The Hellenistic block, which bears in relief the scene of a mounted horseman bearing his shield and spear, was part of the perimeter wall just south of the gatehouse and had later fallen face downwards, thus preserving the sculpture (plate 4).<sup>40</sup> Other newly dressed stones probably came from the ancient quarry at the old city or from the local hillsides. Either source would have obviated the need to ship large quantities of stone by land.<sup>41</sup> In order to decrease expenses further, stones to be used for the rib vaulting and window sills were probably dressed on site by traveling masons.<sup>42</sup>

Scholars have often discussed whether Cistercian communities built their own monasteries or hired masons and other outside workers.<sup>43</sup> It is generally now agreed that, except in those rare cases when a particular monk or lay-brother was also a stonemason, Cistercian communities hired architects and masons, whom the community might then assist. The records of Vale Royal Abbey, an English Cistercian house, for example, note the payments made to various workers, including stonemasons.<sup>44</sup> These records are so detailed that

<sup>38</sup> L. F. Salzman, *Building in England down to 1540* (Oxford, 1952), 119–20. The presence of limestone in the Stymphalian valley offered plenty of material for the preparation of lime, a primary element in making mortar. Although the mortar used in the church and gatehouse at Zaraka has not yet been analyzed chemically, it seems to be good quality, made with sand, rather than crushed rock. The source of this sand cannot be traced as easily as that of the limestone. The nearby Lake Stymphalia, which would have been the most likely source of sand, is filled with reeds and has muddy shores.

<sup>39</sup> The hillside to the immediate north of the monastic complex is rocky, and there are indeed areas from which stone has been gouged, perhaps for the construction of the abbey and almost certainly for the modern repairs.

<sup>40</sup> I thank Dr. Hector Williams for his assessment of this piece. See Williams and Cronkrite Price, "Excavations at Stymphalos, 1994," 20–21.

<sup>41</sup> The quarry is still visible below the city's acropolis and is easily accessible. Medieval use of the quarry is probable but will remain circumstantial until the quarry itself is studied.

<sup>42</sup> In medieval construction, pieces of stone were either finished at the quarry or at the construction site. For a discussion on practical aspects of stone-dressing during the Middle Ages, see Douglas Knoop and G. P. Jones, *The Mediaeval Mason* (Manchester, 1949), 9–11; and Peter Rockwell, *The Art of Stoneworking: A Reference Guide* (Cambridge, 1993), esp. chaps. 7, 11, and 12.

<sup>43</sup> For a discussion of some of these arguments, see R. E. Swartwout, *The Monastic Craftsman: An Inquiry into the Services of Monks to Art in Britain and in Europe North of the Alps during the Middle Ages* (Cambridge, 1932), 70–83.

<sup>44</sup> John Brownbill, ed., *The Ledger-Book of Vale Royal Abbey* ([London], 1914), esp. 195–98.



they include payments made to workers for all varieties of products and tools used, thus making it clear that at least at Vale Royal Abbey the monks had little to do with the actual building project. At Zaraka, there is no such written evidence so information must come from the circumstances of the construction itself. The presence of well-cut stones for the arches and rib vaults suggests that the community hired western masons to dress some of the necessary stones and to direct their subsequent application. In addition, it is likely that Greek workers were employed as laborers, as will be discussed below.

#### ARCHITECTURAL INFLUENCES

The architectural features of the buildings at Zaraka show that two different architectural styles influenced construction at the abbey—the hybrid Frankish-Moreot style and the general Cistercian one. It is important to situate the gatehouse, along with the church, within the context of each style, in order to see how each style influenced various aspects of construction. Of course there were numerous other influences within these two types: Gothic, Romanesque, and Byzantine architecture make appearances, as do the more mundane impressions made by the reused, ancient blocks and by the brick and tile slips, used most likely by local, Greek workmen.

Several periods of western-style architecture in Greece have been recognized and are generally divided according to characteristic Frankish and Venetian influences.<sup>45</sup> That of importance to Zaraka is the period roughly from 1205 to 1260, when Frankish architectural practices were influenced most heavily by Burgundian and Champenois trends. Two sorts of comparisons are important. The first deals with construction materials and techniques, for instance, the style of an arch or a church plan. This allows the abbey at Zaraka to be placed within a Moreot context. The second comparison involves Moreot sites which offer comparanda for interpreting otherwise enigmatic aspects of the gatehouse.

The building materials used at Zaraka are common among Frankish buildings in the Peloponnese. Most characteristic is the use of bricks or tile slips as fill within the walls. This unquestionably derives from the influence of Greek construction and builders. Brick, though sometimes found in western medieval buildings, was used infrequently in the areas of Champagne and Burgundy from which came the large majority of the Moreot Franks. The Byzantine

<sup>45</sup> Kevin Andrews, *Castles of the Morea* (Princeton, 1953), 219; Camille Enlart, *Gothic Art and the Renaissance in Cyprus*, ed. and trans. David Hunt (London, 1987), in the introduction by Nicola Coldstream, 6–7; and Ramsay Traquair, "Frankish Architecture in Greece," *Journal of the Royal Institute of British Architects*, 3d ser., 31 (1923–24): 34, 86.

Greeks, on the other hand, built using courses of stone and brick which were orderly and often quite ornate, as seen in the tenth-century church of Asomatoi in the Mani, or the monastery at Daphni, later taken over by the Cistercian Order itself. The application of brick in Frankish buildings in the Morea seems to have been rather hybridized. Bricks were used, but in a haphazard fashion, usually to level an uneven course of stone.<sup>46</sup> This is apparent at Zaraka in both the gatehouse and the church. One cannot definitively argue whether Frankish builders at Zaraka were incompetently imitating Greek construction techniques or whether a few Frankish builders or masons were employing Greek workers who used the materials to which they were accustomed. Yet, given other social factors—that Zaraka was isolated in the mountains and that the Franks were a distinct minority in the peninsula—the latter alternative seems more likely. Simply put, construction at Zaraka required the support of indigenous labor.

The use of brick in Frankish buildings in the Morea was not unique to Zaraka. The fortress of Karytaina, built in the middle of the thirteenth century, was also constructed with ashlar-faced stones, using mortar, rubble, and brick as fill. In fact, brick was employed in this manner in most Frankish Moreot buildings to a greater or lesser degree. Two sites are noteworthy because they do not conform to this style. The church at Vlachernes, probably begun by Orthodox Greeks and finished by Franciscan friars, is unique in the western monks' use of brick in an ornate Byzantine style.<sup>47</sup> When the Franciscans took over this church they added an upper storey to the narthex. The monks did not continue the alternating courses of brick and stone which were present in the older Greek church, but they did maintain the program of a decorative course composed of brick and stone.<sup>48</sup> This composition is unusual in that the Franks

<sup>46</sup> Brick was used this way in Late Roman, Byzantine, and Turkish architecture (Andrews, *Castles of the Morea*, 221), but the important fact here is that the Franks did not use brick in a decorative Byzantine fashion, only as fill in the mortar. In his first site report on the excavations at St. Sophia at Andravida, "The Frankish Cathedral of Andravida, Elis, Greece," *Journal of the Society of Architectural Historians* 44 (1985), Carl D. Sheppard notes that at many Frankish sites, especially those constructed before 1250, tiles were not originally used. The tiles at Andravida, he argues, are present only because of later repairs. An examination of the tile slips used at Zaraka, in the walls as they currently stand and as seen in earlier photographs, has shown that the tiles are part of the original construction. However, Sheppard's theory that Frankish buildings of the first half of the thirteenth century were not built with brick (218) has interesting, though speculative, impact on Zaraka. If his argument holds, then Zaraka was not built early in the century, but mid-century, a theory not at odds with a Cistercian establishment of 1225. The unfinished, mid-century stone structures would have replaced the wooden structures, generally built during the first stage of habitation on a Cistercian site.

<sup>47</sup> For a history and description of the church, see Bon, *La Morée franque* 1:561–62; and Panagopoulos, *Cistercian and Mendicant Monasteries*, 77–85.

<sup>48</sup> There is some question as to whether the Franciscans made these additions, as discussed by Bon, *La Morée franque* 1:571–72; Panagopoulos, *Cistercian and Mendicant Mon-*

did not generally attempt to continue designs in buildings taken from or abandoned by the Greeks. At Daphni, for instance, the Cistercian disregard for the Byzantine designs resulted in a porch with a series of arches that are incompetently off-center and unequal in size.<sup>49</sup>

The other unique Frankish building with reference to the use of brick is the monastery of Our Lady of Isova, built in Skorta soon after the conquest. It has perhaps the closest history to Zaraka, having been built by the Benedictines or Cistercians in sparsely populated, mountainous country.<sup>50</sup> The remains of Isova exhibit no trace of Greek influence. There is, for instance, no brick used in the construction.<sup>51</sup> Isova is actually the most purely western building of the medieval Peloponnese and, of those surviving, is the finest in quality. Unlike many other Frankish buildings, rubble was not used and the ashlar stones were consistently well cut.

The general similarity of materials among Moreot buildings is paralleled by the use of uniformly sized stones, whether small rubble or cut ashlar, in each individual building. Some buildings, like the church at Clarence, consisted almost entirely of rubble walls. Others, like the curtain wall at Karytaina were composed of small, but consistently, cut stone. As stated earlier, the diminution of quality in the walls at Zaraka is unique in the Morea and uncommon in the rest of Greece.

Within the general type of Frankish-Moreot architecture, there is both a tendency to mix Gothic with Romanesque features and, more importantly, a general reversion to simplistic, often older, building techniques. This latter trend appears in both the military and ecclesiastical architecture.<sup>52</sup> A clear instance of this is evident in the inconsistent use of quadripartite vaulting in many of these buildings. The church of St. Sophia at Andravida, for example, had

*asteries*, 84–85; and Traquair, “Frankish Architecture in Greece,” 76–77. In the case of Vlachernes, however, it seems likely that the change in construction and technique also indicates a change in builders, from Greek to Frankish.

<sup>49</sup> Panagopoulos, *Cistercian and Mendicant Monasteries*, 58, pl. 34.

<sup>50</sup> It is not clear whether Isova was a Cistercian or Benedictine foundation. Both arguments have been made, but neither archaeological nor written evidence is conclusive. The only abbey mentioned in the Greek version of the *Chronicle of Morea*, Isova was destroyed by Turkish mercenaries in 1263. See *Chronicle of Morea*, ed. Schmitt, lines 4671–72. For further information on Isova, see Nicolas Moutsopoulos, “Le monastère franc de Notre-Dame d’Isova (Gortynie),” *Bulletin de Correspondance Hellénique* 80. (1956): 76–94; and Panagopoulos, *Cistercian and Mendicant Monasteries*, 42–56.

<sup>51</sup> Bon, *La Morée franque* 1:538, suggests that brick was used in the building. However, my own visit to the site in July 1995 revealed no brick in use at the church of Isova, but at the nearby chapel instead.

<sup>52</sup> Various authors have noted this in the context of a variety of buildings. See, for instance, Bon, *La Morée franque* 1:558; and Andrews, *Castles of the Morea*, 225. Zaraka is consistent with this trend.

wooden vaulting in the nave, but employed ribbed, quadripartite vaulting in the chancel and its two side chambers, all three of which still stand today.<sup>53</sup> The nave at Isova once had a wooden roof with no trace of quadripartite vaulting.<sup>54</sup> Yet the church had a polygonal apse and there remain traces of windows in an advanced, Gothic style which only appeared in the cathedrals of Reims and Amiens in Champagne and the Île de France after 1220.<sup>55</sup>

Zaraka, too, displays these inconsistencies of early Moreot construction. Its builders applied numerous Gothic elements, including extensive quadripartite vaulting throughout the church, the cloister, and the gatehouse's second storey. In addition, the Gothic windows used in the church at Zaraka were like those at Isova.<sup>56</sup> Yet Antoine Bon has listed a number of Zaraka's archaic features: "On n'a pas utilisé les contreforts obliques; le dessin des fenêtres, le profil des nervures, les motifs sculptés sont très simples; la tourelle qui servait sans doute de clocher existe en France dès l'époque romane."<sup>57</sup> Furthermore, although the gatehouse had quadripartite vaulting on the second floor, the main floor is still supported with a barrel vault, a rather simplistic feature for a thirteenth-century Cistercian gatehouse, as will be discussed below.

Other characteristics of the Frankish-Moreot architecture appear in the churches which were consistent in their flat-ended chancels and the absence of a transept, as in the churches of Andravida, Zaraka, and Clarence.<sup>58</sup> In western Europe, flat-ended chancels were generally replaced in the thirteenth century with polygonal ones. Even within the Cistercian Order, the flat-ended chancel was becoming obsolete. At Clairvaux, for instance, the flat, twelfth-century chancel was replaced in the thirteenth century with an ambulatory and a polygonal apse.<sup>59</sup> The absence of transepts in the Frankish churches is notable,

<sup>53</sup> Regarding the church at Andravida, see n. 46 above, as well as the second site report of 1986, by Carl D. Sheppard, "Excavations at the Cathedral of Hagia Sophia, Andravida, Greece," *Gesta* 25 (1986): 139–44. Further interpretations have been made by Nancy K. Cooper, "The Frankish church of Hagia Sophia at Andravida, Greece," in *Archaeology of Medieval Greece*, ed. Lock and Sanders, 29–47, and Mary Lee Coulson, "The Dominican church of Saint Sophia at Andravida," *ibid.*, 49–59.

<sup>54</sup> Bon, *La Morée franque* 1:541–42, 558; Moutsopoulos, "Le monastère franc de Notre-Dame d'Isova (Gortynie)," 90; and Traquair, "Frankish Architecture in Greece," 38.

<sup>55</sup> Panagopoulos, *Cistercian and Mendicant Monasteries*, 40, 46.

<sup>56</sup> *Ibid.*, 40 and fig. 6 on 41.

<sup>57</sup> Bon, *La Morée franque* 1:558, argues that these windows are another piece of evidence suggesting the older, Romanesque aspect of Zaraka. He is correct in his other examples, but not in this case.

<sup>58</sup> Bon, *La Morée franque* 1:574–76. Isova is the only Frankish-Moreot church known to have had a full polygonal apse, see *ibid.*, 575, fig. 7.

<sup>59</sup> For explanations of this development, see Robert Branner, *Burgundian Gothic Architecture* (London, 1960), 28; and Kenneth John Conant, *Carolingian and Romanesque Architecture 800 to 1200*, The Pelican History of Art, 2d integrated ed. (Harmondsworth, 1978), 227.

but more difficult to interpret, since churches without transepts appear as both early Christian basilicas and Gothic cathedrals. Romanesque churches did have transepts, however, and Cistercian churches, in particular, included them for liturgical purposes. The Order went on building them long after transepts were out of date elsewhere.<sup>60</sup> It is therefore noteworthy that the monks at Zaraka did not follow the general Cistercian trend but followed the Moreot one instead.

The Moreot influence on the Zaraka's gatehouse is difficult to determine. No other Frankish, religious house in Greece has an extant gatehouse. Some of the fortresses still possess them intact, although there are often a series of gates, not all of them Frankish in origin. Few of the gates at castles like Acrocorinth, Chlemoutsi, Karytaina, and Mistra are useful for study of the gatehouse at Zaraka.<sup>61</sup> Nonetheless, enough Frankish examples are extant to provide a general description which varies little from case to case. Frankish fortresses were generally entered through a main, vaulted entrance, usually topped or abutted by a two-storey gatehouse which was bonded into the curtain wall. The entrance of Karytaina was typical with a difficult ascent up a steep hill and a small outer entrance allowing bent access to the low, barrel-vaulted entrance which in turn led into a small courtyard.<sup>62</sup> The entranceway was rather small and compact compared to the gatehouse which towered above the entrance. Among the ruins, the remains of an internal staircase can be seen today in the gatehouse. Although less fortified, Zaraka's gatehouse is surprisingly similar to those at these fortresses in its simple and utilitarian nature. As will be discussed below, western monastic gatehouses did not always have as limiting an entrance as did Zaraka. Even the gatehouses at remote Cistercian houses were usually more open and elaborate, less reminiscent of a fortified tower. Thus there may have been a tenuous relationship between the gatehouse of Zaraka and those of the Frankish fortresses in the Morea.

Many stone staircases at Frankish fortresses and their gateways are still visible and represent both the straight and spiral styles. The possibility of external, wooden staircases exists at sites other than the gatehouse at Zaraka, but visible remains have generally vanished and archaeological evidence is wanting. The remains, however, of an external, wooden staircase have been excavated recently at medieval Corinth, on the site of the ancient and medieval

<sup>60</sup> Such was the case at the thirteenth-century Cistercian church at Longpont which included a transept when its fully developed Gothic plan with an ambulatory and radiating chapels was implemented. See Caroline Astrid Bruzelius, "Cistercian High Gothic: The Abbey Church of Longpont and the Architecture of the Cistercians in the Early Thirteenth Century," *Analecta Cisterciensia* 35 (1979): 5 and 52.

<sup>61</sup> Mistra, for instance, possesses a number of gateways and perimeter walls from the Frankish, Greek, and Turkish periods.

<sup>62</sup> For a site plan, see Bon, *La Morée franque*, vol. 2, plates 66 and 67.

city below the fortress. The remains of this thirteenth-century stairway were discovered in a paved courtyard.<sup>63</sup> It was wooden and external, was supported by the southern wall of the courtyard, and gave direct access to a series of rooms on the upper storey. Although of a slightly later date than the abbey's, this staircase at Corinth is the only known Moreot example that resembles closely the proposed staircase abutting the enceinte at the gatehouse at Zaraka.

Having discussed Moreot influences on the gatehouse at Zaraka, we can turn to those of the Cistercian Order. There are difficulties in studying medieval gatehouses because, as mentioned above, they have generally been ignored. Those few monographs which mention gatehouses do so only in general terms, rarely offering information about the building's architecture and date.<sup>64</sup> Although non-Cistercian gatehouses have been examined for this study, actual comparanda for the gatehouse at Zaraka have been limited to Cistercian gatehouses for several reasons. Since little systematic work has been done on gatehouses in general, combining information from different regions and different centuries would lead easily to inaccuracies, encouraging comparisons and connections where none can conceivably exist. Cistercian architecture, moreover, is relatively identifiable, with its own peculiar characteristics.<sup>65</sup> Well into the thirteenth century, Cistercian architecture maintained a self-sufficient repertoire, subject to little external influence. Although regional influences within Cistercian architecture multiplied during the thirteenth century, the basic Cistercian forms continued, and therefore regional variations within Cistercian architecture can usually be identified and pose few problems.

A general description of the Cistercian gatehouses during the twelfth and thirteenth centuries can be offered on the basis of various examples which have been studied.<sup>66</sup> Certain aspects have been singled out for examination, among them the number of gatehouses at an individual abbey, the number and division of passageways in each gatehouse, the vaulting employed, and the style of

<sup>63</sup> Williams and Zervos, "Frankish Corinth, 1993," 5–6.

<sup>64</sup> E.g., Georges Fontaine, *Pontigny: Abbaye cistercienne* (Paris, 1928). This monograph is typical. Although the work theoretically examines the entire site, the gatehouse is included only in the site plan, pp. 26–27, figs. 9 and 9bis. The text makes no reference to it or to the date of its construction.

<sup>65</sup> The most notable studies on Cistercian architecture concern Cistercian churches, for which scholars have delineated several, progressive styles, from, for instance, the flat-ended Bernardine style to that with a polygonal apse. For a good discussion on the early evolution of Cistercian churches, see S. M. Hirst, D. A. Walsh, and S. M. Wright, *Bordesley Abbey II: Second Report on Excavations at Bordesley Abbey, Redditch, Hereford-Worcestershire* (Oxford, 1983), 209–11.

<sup>66</sup> The most reliable information concerning Cistercian gatehouses comes from English and French sources in which gatehouses have been most frequently studied and therefore on which this study primarily relies.

staircase when one is present. These criteria help to distinguish architectural features of individual gatehouses and to compile similarities between them.

Disregarding the smaller, secondary portals usually present in the perimeter walls, most Cistercian abbeys had as their main entrances a gatehouse, a building with a second storey, rather than a gateway, an entrance with no upper storey. Both types were sometimes flanked by smaller buildings. The main gatehouse was normally located to the west of the church's western facade, at some angle to the south or north.<sup>67</sup> Occasionally the entire complex, including the church, was not constructed on an east-west axis. In such instances, the gatehouse still faced the entrance to the church, normally at its narthex end.<sup>68</sup> The gatehouse was typically some distance from the inner court, which included the church and claustral buildings. Often there were two main gatehouses dividing the precinct into an inner and outer court. This preserved the monastic privacy and left the outer court available for visitors, as well as for agricultural production and the business it created. The outer buildings, including the forge and guest house, were usually located near the gatehouse, sometimes in the outer court. A ground plan of Kirkstall Abbey shows the common divisions within the monastic precinct, all designed to preserve the secluded life of the monks.<sup>69</sup>

Each precinct, of course, was slightly different, depending on the terrain and the number of gatehouses at a given abbey. The designation of gatehouses at each particular site is important for understanding the role played by each gatehouse. A single, original gatehouse, as at Zaraka, is classified as an outer gatehouse, whereas two, at an abbey like Kirkstall, are distinguished as the inner and outer, or great and precinct, gatehouses.<sup>70</sup> Most English Cistercian houses, unless quite small, had at least two main gatehouses guarding the approach from the west.<sup>71</sup> This seems to be a strong regional characteristic of the larger English Cistercian abbeys. No similar pattern can be found in French houses. Some of the larger French houses, such as Mortemer<sup>72</sup> and Pontigny<sup>73</sup>

<sup>67</sup> This is noted by Aubert, *L'architecture cistercienne* 2:141. This placement was not unique to Cistercian abbeys. In his study on English monasteries, Roland W. Morant finds that most gatehouses in England can be found in this location (*The Monastic Gatehouse and Other Types of Portal of Medieval Religious Houses* [Sussex, 1995], 30–31 and figs. 5–6).

<sup>68</sup> Rather uniquely, Furness Abbey in Yorkshire has its entrance to the church in the north transept. The gatehouse was consequently built facing it (Peter Fergusson, *Architecture of Solitude: Cistercian Abbeys in Twelfth-Century England* [Princeton, 1984], 61).

<sup>69</sup> Fergusson, "Porta Patens Esto," 49, pl. 13a.

<sup>70</sup> Fergusson discusses the differences of these types, *ibid.*, 52 and 55.

<sup>71</sup> *Ibid.*, 48.

<sup>72</sup> Robert and Michel Ranjard, "Abbaye cistercienne de Mortemer," *Bulletin monumental* 97 (1938): 267–68.

<sup>73</sup> Fontaine, *Pontigny, Abbaye cistercienne*, 27, fig. 9 bis.

seem to have had a single gatehouse. Other smaller ones, like Preuilley,<sup>74</sup> had two. Unfortunately, at many French houses, it is impossible to determine the original number of gatehouses without further archaeological study.<sup>75</sup> The number of gatehouses was probably determined at least in part by the wealth of an abbey and its potential for growth, which in turn affected the amount of agricultural production and the traffic it produced. Large and extremely prosperous houses, like those in England, thus have two gatehouses. Other houses, either those more limited in space, like Fontenay in populous Burgundy, or those limited in population, like Zaraka, had only a single gatehouse.

The Cistercian gatehouse typically had a large, single-vaulted, straight thoroughfare which was divided into two lanes of traffic, one for pedestrians, the other for vehicles. Such a system can be seen at many gatehouses, including that at Roche Abbey in Yorkshire.<sup>76</sup> Many twelfth-century English inner gatehouses had a third vestibule, allowing the pedestrian traffic to proceed to the inner court or a guest house, and the vehicular traffic to turn off into the outer court.<sup>77</sup> Both Fountains and Roche abbeys had this elaborate division.<sup>78</sup> The presence of this third vestibule is the only known feature that differentiates inner and outer gatehouses; it reflects the differing needs for separating traffic.

The gatehouse passageways were often several bays deep and had quadripartite vaulting, though barrel vaulting was not unknown. Gatehouses, unlike gateways, had at least one upper storey. It is often difficult to interpret their vaulting, because little usually survives. Where quadripartite vaulting was used on the ground floor, however, it generally seems to have been used above as well. The remains of the stairways which allowed access to these second stories are often still extant. It is evident that internal spiral staircases were commonly used. Usually, they were built as part of the original construction, though at Roche Abbey a late twelfth- or early thirteenth-century spiral staircase was incorporated into the twelfth-century building.<sup>79</sup>

Most of the characteristics of Zaraka's gatehouse are therefore not unusual. There is no evidence for more than the single, extant gatehouse at Zaraka. It

<sup>74</sup> La Marquise de Maillé, "L'église cistercienne de Preuilley," *Bulletin monumental* 89 (1930): 344-45. Maillé does not mention the construction dates of these gates but only indicates that they are mentioned in a document of 1633 (*ibid.*, 344 n. 2).

<sup>75</sup> The only accurate representations of Clairvaux Abbey, for instance, are from the beginning of the eighteenth century. Unfortunately, these etchings give no indication of the original structures. See the etching offered by Bégule, *L'abbaye de Fontenay*, 87.

<sup>76</sup> See Fergusson, "Porta Patens Esto," 50, pl. 14b.

<sup>77</sup> Outer gatehouses at English abbeys, for instance, do not usually survive, and discussion of English gatehouses has centered on inner gatehouses.

<sup>78</sup> Fergusson, "Porta Patens Esto," 50, pl. 14b, and 54, pl. 16b.

<sup>79</sup> *Ibid.*, 50, pl. 14b, and 55.



occupies a typical position, slightly to the southwest of the church's western facade. As was common, the enceinte is bonded into the gatehouse, providing more security for the house and greater stability for both the wall and gatehouse. The quadripartite vaulting of the second storey is not unusual, nor is the barrel vaulting within the entrance chamber, which is used at other abbeys like Fontenay. It is interesting to note that of all the Cistercian gatehouses examined that at Fontenay is closest in style to Zaraka, perhaps betraying the Burgundian influence on Moreot architecture.

Yet, there are some unusual features at Zaraka. The regressive architecture of this thirteenth-century gatehouse is more simplistic than that of many twelfth-century Cistercian gatehouses found in western Europe. This can probably be ascribed to the typical Frankish-Moreot style in use. The single passage for vehicular and pedestrian traffic remains unusual. One of the few abbeys apparently employing a single entrance is Hauterive Abbey, where there is an undivided gateway of the late thirteenth century.<sup>80</sup> Such a division is normally evident at Cistercian gatehouses either in stonework or in later, wooden additions. There is no such evidence at Zaraka, though the lost, wooden doors to the gate may well have included a small, pedestrian doorway which could have been opened without opening the gate as a whole. The most extraordinary aspect of Zaraka's gatehouse is the absence of an internal stairwell, a feature used in most other Cistercian gatehouses. Aside from Zaraka, the only other known gatehouse with the potential for an external staircase occurs at Roche Abbey, where an entrance to the second floor for monastic officials was "from either an external stairway of wood or stone or from an adjoining building."<sup>81</sup>

This short study on gatehouses, combined with the comments on Moreot architecture, offers some information about the gatehouse at Zaraka, as well as the community living there. The community was neither large nor busy enough to require a permanently divided entrance for directing differing sorts of traffic. This supports circumstantial evidence which indicates that the house was relatively small. A typical Cistercian house began with the required abbot and twelve monks. At Zaraka, although it is not clear how many more monks joined the abbey once it was established, nor is it known how many lay brothers assisted them, their numbers could not have been high. In addition to the short life span of Zaraka's monastic community, there were few Franks in the Morea, and fewer, if any, Greeks willing to convert.

<sup>80</sup> Catherine Waeber-Antigilio, *Hauterive: La construction d'une abbaye cistercienne au Moyen Age* (Fribourg, 1976), 117–18, including fig. 84.

<sup>81</sup> Fergusson, " 'Porta Patens Esto,' " 56. Neither possibility has yet been proven conclusively through archaeological evidence.

The gatehouse also shows us that current, Cistercian architectural practices were not always applied at Zaraka. The builders at Zaraka, for instance, could certainly have used quadripartite vaulting in the entrance to the gatehouse since such vaulting appears in its upper storey and throughout the church. They chose not to. Zaraka's monastic community was, moreover, familiar with internal circular staircases, as is evident in the base of a bell tower built in the northeastern corner of the church. In the gatehouse, however, an external staircase was employed. Contemporary western, and specifically Cistercian, trends were thus not uniformly applied because Moreot techniques, which appear consistently in the buildings at Zaraka, were sometimes preferred.

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It now remains to collate the archaeological, architectural and written evidence concerning Zaraka and in the process approach the questions which helped to focus this article—first, whether this study can help to establish the identity of the mother house, and second, whether an examination of the gatehouse and church can help to date the establishment of the community and flesh out the history of the house. The study of the abbey's history, as discussed here, can help to clarify the question of Zaraka's mother house.

Whether Hautecombe was the mother house of Zaraka depends on several factors, first among them that the location of the abbey was within the jurisdiction of the Corinthian archdiocese, whereas Hautecombe's new foundation was entrusted to the archdiocese of Patras. This is an important fact in interpreting the abbey's origins and the role of the two archdioceses in that foundation. After the Frankish capture of Corinth, an archiepiscopate was established there, and the first archbishop was appointed some time after February 1210, when a warning had been given to the Greek bishop to convert or else lose his see.<sup>82</sup> The Greek cleric clearly made the latter choice, since a pallium was sent by Pope Innocent III to the first, Frankish archbishop there in May 1212.<sup>83</sup> The exact date of the Corinthian appointment is unknown—sometime between February 1210 and May 1212 when the pallium was issued. It must be stated, how-

<sup>82</sup> *Acta Innocentii PP. III*, 375–76, no. 139. Dom Romain Clair, when arguing for Hautecombe as Zaraka's mother house, fails to note the warning mentioned by Pope Innocent III, a warning which gives evidence of western plans concerning the archbishopric at Corinth as early as 1210. His omission of this letter lends support to his theory (Clair, "Les filles d'Hautecombe," 265–66) that the archbishopric was not established until 1212, the year the pallium was issued. This is an unsubstantiated argument, however, as pallia were often sent some time after an appointment was actually made. See n. 84 below.

<sup>83</sup> *Acta Innocentii PP. III*, 425–27, no. 192.

ever, that a time lag between notification of election and the receipt of a pallium was not unusual.<sup>84</sup> Once begun, things were organized in Corinth fairly rapidly, for when he sent the pallium in 1212, Innocent III also delineated the religious areas and villages under Corinthian control. Many scholars who favor Hautecombe as the mother house of Zaraka fail to discuss the significance of the archbishopric of Corinth and its relationship to the abbey. There are, however, compelling reasons to consider it.

Between the tenth and thirteenth centuries, there was a gradual move away from episcopal control among western monastic communities. By the thirteenth century, these developments had resulted in many houses holding papal exemptions, thus removing them from episcopal jurisdiction and abrogating episcopal rights of consecration, visitation, and excommunication within the community. The control retained by bishops, and the consequent degree of monastic independence, varied from house to house, depending on the exemptions each house had received, its relations with the local bishopric, and the monastery's own economic and political power.<sup>85</sup> Cistercian houses often received numerous exemptions, yet their freedom still depended in part on good relations with local bishops. Cooperation led to the smooth exercise of monastic freedom. In order to facilitate cordial relations with local bishops the Cistercians always obtained the permission of the local bishop before establishing a house in a diocese.<sup>86</sup> This legislation would have required Zaraka's mother house to obtain permission from the archbishop of Corinth before a Cistercian house could have been established in the diocese. Although the monastic life at the abbey was to be free of episcopal involvement, there was of necessity a working relationship with Corinth, the abbey's nearest Frankish neighbor, which could offer protection, if necessary, as well as religious and economic contacts. This relationship must be considered when studying Zaraka.

Therefore, even had the bishop of Patras intended to establish an abbey in the area of Stympalia, questions remain about its feasibility. If the land around Stympalia was not yet in the Corinthian diocese in November 1210 when the request was made to Hautecombe by the archbishop of Patras, it is necessary to question whether these two parties would have moved quickly enough to establish a house at Stympalia before the Corinthian see was estab-

<sup>84</sup> This had happened to the archbishop of Patras, who was given primacy of the Morea and elected in 1205, but did not receive his pallium until 1207 (*Acta Innocentii PP. III*, 310–11, no. 86, and 329–31, no. 101).

<sup>85</sup> Gabriel Le Bras, *Institutions ecclésiastiques de la Chrétienté médiévale* 1.2 ([Paris], 1964), 542–43, discusses this process of "émancipation."

<sup>86</sup> This was in accordance with the fourth canon of the Council of Chalcedon, as noted by John-Berthold Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII<sup>e</sup> siècle (1098–1265)*, 2d ed. (Paris, 1982), 131.

lished, at least by 1212, if not soon after February 1210 when the Orthodox predecessor at Corinth received the warning noted above. It would be useful, but is impossible, to determine the speed with which the monks of Hautecombe could have been notified of the request for a house in the Morea, organized a response to it, and established a house. If Zaraka had been chosen, it would have been necessary for these plans to have been accomplished before the Corinthian archbishop took office, because once Corinth and its dependencies were established, Patras could not have interfered in Corinth's jurisdiction, which included Zaraka.

A parallel question is how quickly Geoffrey I Villehardouin, holding the land around the Corinth, could have provided for the donation of land so near a fortress which had only just been seized from its Greek defenders. As the Corinthian religious dependencies were only designated in 1212, the land which the abbey was later to occupy might not have been available in 1210 for the archbishop of Patras to offer as abbey-land for a daughter of Hautecombe. Furthermore, the later political and religious reasons, as offered by E. A. R. Brown, are useful in explaining why Geoffrey I offered this land for a new Cistercian house in 1225.<sup>87</sup>

How then do we consolidate our various sources to argue for Morimond as the mother house of Zaraka? Two factors suggest that the stone church and gatehouse at Zaraka were constructed simultaneously. First, the Cistercian statutes regarding new foundations required that gatehouses be built immediately upon the arrival of a community to a new site. Technically, the gatekeeper's cell and other important structures were to be built before the new community even arrived.<sup>88</sup> However, many communities, like that at Fountains Abbey in Yorkshire, began construction only after the monks had arrived at the site.<sup>89</sup> It is highly unlikely that the community at Zaraka, whose mother house was of course in western Europe, was able to direct construction prior to its arrival in Greece, or even before the monks arrived on site. The monks at Zaraka were, therefore, forced to begin construction on arrival in Greece. In addition, the similarity of the stone construction techniques, especially the similar diminution of quality in the walls of the gatehouse and church, as dis-

<sup>87</sup> Brown, "Cistercians in the Latin Empire," 93-94.

<sup>88</sup> *Exordium Cistercii, Summa Cartae Caritatis, et Capitula VIII.4*, in *Les plus anciens textes de Cîteaux*, ed. Jean de la Croix Bouton and Jean-Baptiste Van Damme (Achel, 1974), 121.

<sup>89</sup> This passage can be found in John Richard Walbran, *Memorials of the Abbey of St. Mary of Fountains*, vol. 1, Surtees Society 42 (Durham, 1863), 33-34, cited in R. Gilyard-Beer and Glyn Coppack, "Excavations at Fountains Abbey, North Yorkshire, 1979-80: The Early Developments of the Monastery," *Archaeologia, or Miscellaneous Tracts Relating to Antiquity* 108 (1986), n. 34 on p. 185.

cussed above, indicates simultaneous construction and a possible contemporaneous loss of funds.<sup>90</sup>

Written evidence tells us that the abbey's life extended technically between 1210 or 1225, the time of the foundation requests, and 1260, when the house was to be moved. Architectural evidence of the Gothic windows offers a *terminus post quem* of after 1220 for stone construction of the church and gatehouse.<sup>91</sup> Yet the earliest written evidence which actually refers to Zaraka itself is from 1236.<sup>92</sup> Although the reference gives us no firm evidence of the state of construction on site at the time, it is actually the earliest firm date concerning the living abbey itself. It indicates that whether founded in 1210 or in 1225, the abbey itself was not viable until well after 1230.<sup>93</sup> If the actual foundation and the stone building phase began after 1220 and the earliest document recording Zaraka is from 1236, how do these influence our assessment of the mother house? As stated, the archaeological and architectural evidence precludes neither Hautecombe nor Morimond as the mother house of Zaraka. However, enough actual and circumstantial evidence points to Morimond and away from Hautecombe as the mother house.

First, we do not know the designated diocese of Morimond's establishment, whereas we do know that Hautecombe monks were the responsibility of the archbishop of Patras, making a foundation in the archdiocese of Corinth improbable. Second, the placement and dating of the buildings at Zaraka lend themselves to a later, rather than an earlier foundation.<sup>94</sup> Architectural features, such as the windows in the church, require a *terminus post quem* for their construction of 1220. Stone construction at the abbey after this date, and closer to mid-century, allows for this style of window to have traveled to Greece from the Champenois region, where it originated. Morimond's location on the border

<sup>90</sup> Wooden structures frequently preceded the stone phase at Cistercian houses. Although this phase has not been noticed at Zaraka, it is probable that there was some form of temporary shelter.

<sup>91</sup> See above at n. 55.

<sup>92</sup> See n. 23 above for reference to this papal letter.

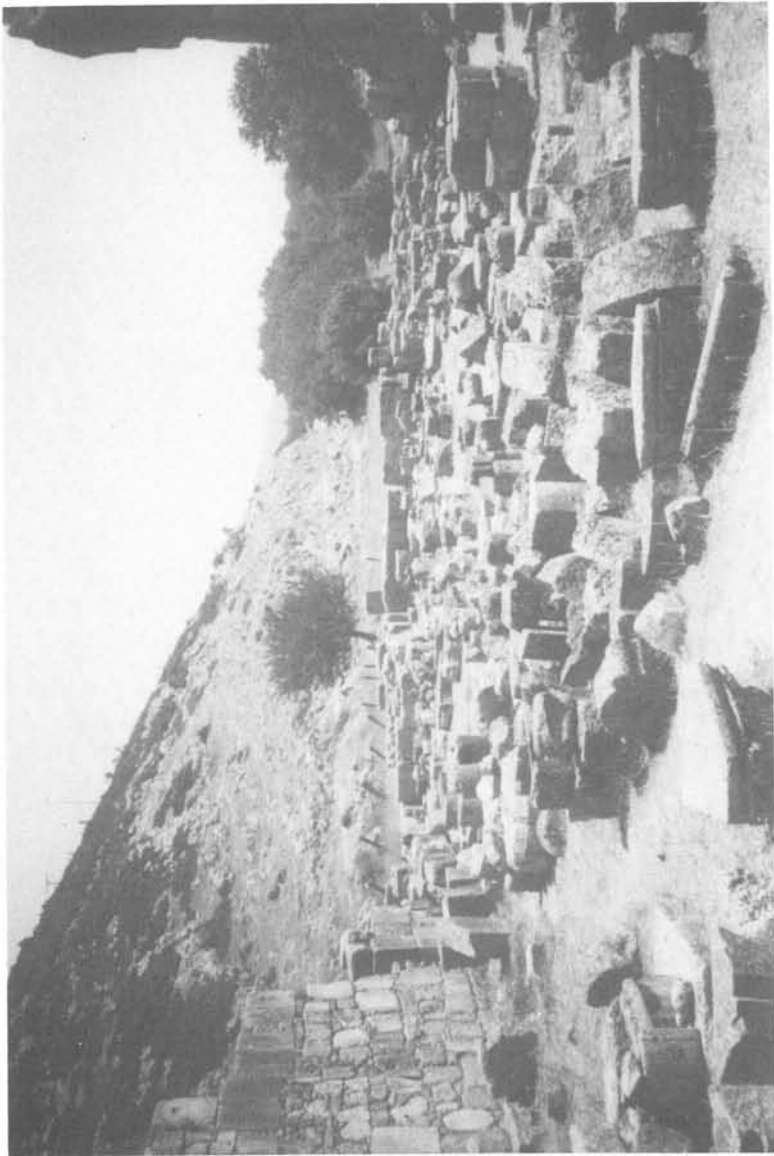
<sup>93</sup> Using the date of 1236 as a *terminus post quem* for the establishment of the abbey and therefore the construction of its buildings allows for enough time for a wooden and stone building phase in accordance with Carl Sheppard's theory placing the use of brick and tile in Frankish buildings to the middle of the thirteenth century. Unfortunately this remains circumstantial.

<sup>94</sup> In addition, it seems implausible that Zaraka could have been founded by Hautecombe shortly after 1210, but then failed to appear in any document until the papal letter of 1236. That is surely too long a time between request, establishment, and recognition. It is more likely that the monks arrived at Zaraka within five years of the request to Morimond in 1225, and were first referred to in 1236. However, though persuasive, such an argument is *ex silentio*, and therefore not acceptable proof of the mother house.

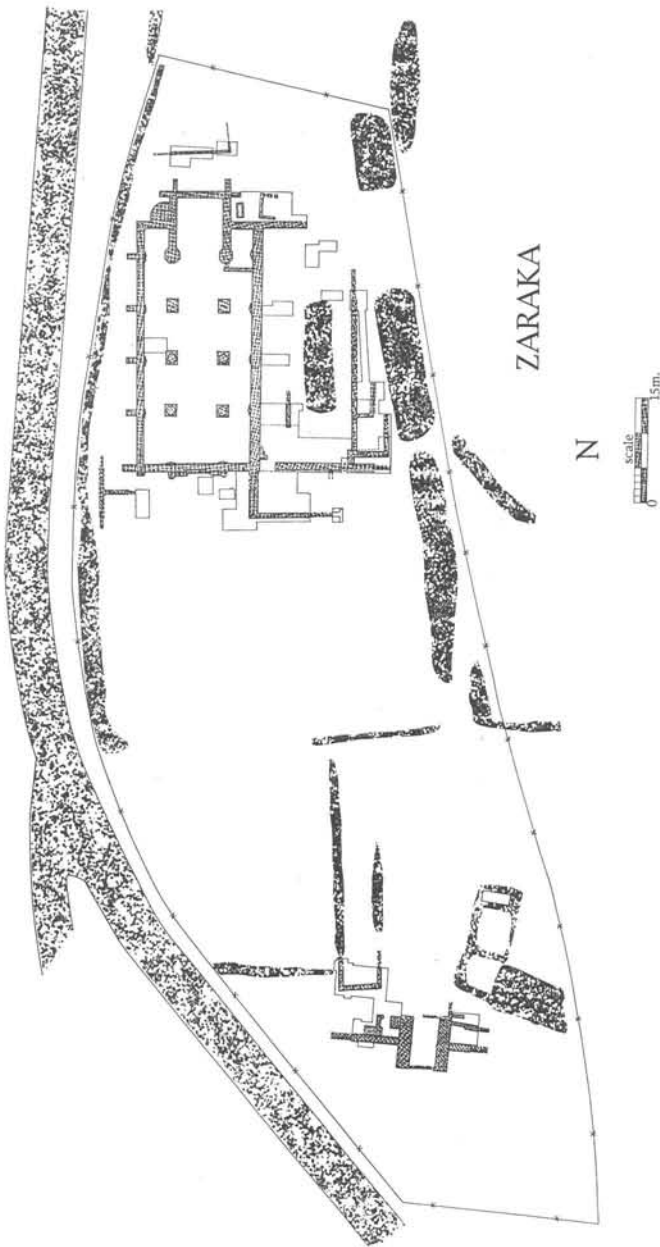
of Champagne and Burgundy and its proximity to Reims in Champagne, where the style of these windows first appeared, offer an architectural link that cannot be ignored. This influence is not unexpected given the origins of the Villehardouins in Champagne, and the ties they maintained there throughout the thirteenth century. The window's style is a thoroughly distinctive type, the origins of which are traceable to Champagne and the region of Morimond. From there, the technique must have been transported to the Morea.

We can, therefore, argue with a fair amount of confidence that Zaraka was founded by Morimond shortly after 1225. The date of the new community's arrival at Zaraka is not known, but from 1236 to 1260 the community played an active role in the Morea, as noted by the various written references to the house. Stone structures were begun some years after the original settlement, perhaps near mid-century, thus allowing for a more temporary stage of construction built on immediate arrival in Greece. This admits enough time for the distinctive window style to reach the Morea from Champagne, yet also limits the time period, thus explaining the unfinished aspects of the narthex and chapter house. Primary occupation ceased sometime after 1260, at which point the abbey vanishes from all extant records. The site of the abbey was used for secondary habitation, perhaps Frankish and with decidedly close ties to Corinth, throughout the fourteenth and into the fifteenth century. Such a time line allows for an acceptable period for construction at the site and is consistent with the written sources, and with the archaeological and architectural remains.

*Lexington, Virginia.*



1. Nave of church, looking east towards apse  
(photograph by the author).



2. Plan of site  
(by Mark D. Campbell and Kathryn E. Salzer, 1997, after Lea von Zuben, 1995).





3. Eastern facade of gatehouse  
(photograph by the author).



4. Hellenistic funerary stele  
(photograph by the author).

## A SECOND NEW LIST OF BENEVENTAN MANUSCRIPTS (IV)\*

Virginia Brown

THIS latest instalment continues the census of manuscripts and fragments copied in Beneventan that were discovered after the publication of the second edition of E. A. Lowe's *The Beneventan Script: A History of the South Italian Minuscule* (Rome, 1980). Like its predecessors,<sup>1</sup> part IV consists of approximately 300 specimens and is predominantly liturgical in character, the new finds consisting almost exclusively of books for the Mass and Office or for general monastic use such as patristic and hagiographical texts. The few exceptions include some documents at the Povijesni Arhiv, Dubrovnik, and at the Archivio di Stato, Rieti,<sup>2</sup> and a fragmentary medical text in the Biblioteca Comunale Rilliana, Poppi. The Poppi fragment may be the oldest item as well; the latest are sixteenth-century liturgical fragments from Naples that are now at the Biblioteca Civica, Cosenza, and the Biblioteca Provinciale, Lecce.

The predominance of liturgical texts among the new items described below is not surprising since similar observations have already been made in the introductions to parts II and III to this effect, namely, that Beneventan is a liturgical script *par excellence*. In terms of sheer quantity, however, the number of items making up part IV is astonishingly large. It appears that we have not exhausted the Beneventan possibilities, especially those offered by Italian archives and libraries. Italy remains, of course, the single largest source of new Beneven-

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<sup>1</sup> Parts I–III were published respectively in *Mediaeval Studies* 40 (1978): 239–89; 50 (1988): 584–625; and 56 (1994): 299–350.

<sup>2</sup> When E. A. Loew (Lowe) was assembling the material for *The Beneventan Script: A History of the South Italian Minuscule* (Oxford, 1914) and "A New List of Beneventan Manuscripts," in *Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica edita*, Studi e testi 220 (Vatican City, 1962), 211–44, he excluded archival material in Beneventan with two exceptions: registers compiled in southern Italy and Dalmatia; and individual charters and other types of individual documents from Dalmatia. In accord with his practice, the new specimens from Dubrovnik and Rieti are included here, but not the fragmentary document in the Archivio parrocchiale di S. Maria Assunta, Amaseno (discovered by Antonio Ciaralli, who kindly communicated the details of his very interesting find).

tana, and Rosa Salvati has recently demonstrated the value of a fruitful new approach. Her systematic, careful examination of incunabula and cinquecentine in civil and ecclesiastical libraries of southern Italy, particularly in Puglia, has brought to light more than 150 examples of hitherto unknown Beneventana.<sup>3</sup> Obviously these constitute a large part of the present "New List."

Most of the items discovered since the publication of part III are quite small fragments used as binding scraps. There are no complete manuscripts. The most substantial items are the thirty-two leaves at the Arhiv Biskupskog Ordinarijata, Dubrovnik, and the seven leaves at the Biblioteca Comunale, Fermo. But the significance of a manuscript does not depend on its size. Many of the items described below are important as testimony to the presence of Beneventan in areas much farther south in southern Italy than hitherto attested. Moreover, the consistent use of a noticeably small variety of Beneventan with distinctive features suggests that at least some of the binding scraps could have originated in those regions; hence the role of pure chance, while not to be discounted, should not be allowed a paramount claim. These fragments are also quite interesting because they contain new texts alongside those already known from their appearance in manuscripts copied in such well-known centers as Montecassino and Benevento. Norman influence, for instance, is only one of the plausible historical factors which may explain these textual novelties.

Manuscripts produced away from the mainstream are likely to be interesting as well in terms of the kinds of books that they actually are. In this regard we may observe that there are rare instances of "combined books": fragments at the Biblioteca Nazionale, Bari, come from a Breviarium-Missale; fragments at the Biblioteca Comunale, Lucera, are the remnants of an Antiphonale-Graduale with some indication of Old Beneventan chant; and fragments at the Archivio Capitolare della Cattedrale S. Pelino, Corfinio, suggest another Antiphonale-Graduale combination. Other traces of the regional music banned by Pope Stephen IX in 1058 are found in the bifolium at the Archivio di Stato, Lanciano; the fragment, which also preserves the beginning of a lost Montecassino trope, appears to have been copied at San Pietro Avellana.

In light of the many different varieties of Beneventan which the new fragments exhibit, the dates assigned here should be regarded in many cases as provisional. This is especially true in the case of small, damaged scraps. Simply put, when we find more *membra disiecta* of these manuscripts, we can be more confident vis-à-vis their dates and origins. Consequently the employment of a rather large number of question marks and the frequent use of such phrases as *ut vid.* are intended as salutary warnings that another interpretation may even-

<sup>3</sup> R. Salvati, "Nuovi frammenti beneventani in Puglia, Basilicata e Calabria," *Altamura: Rivista storica/Bollettino dell'A.B.M.C.* 38 (1997): 223-42, including 11 figs.

tually be possible. In these situations it is helpful to repeat the suggestion put forward in the introduction to part III, namely, that a study of the ordinary minuscule of a region far from Montecassino will be instructive in terms of understanding the local varieties of Beneventan.

In describing the new fragments I have retained the format used in parts I–III. This can be summed up as follows:

- (1) maximum measurements are given unless otherwise specified;
- (2) in the case of a bifolium, maximum measurements are those of a single leaf;
- (3) height is always noted first in measurements, and measurements in parentheses are those of the written space;
- (4) the number of text lines has been counted for items with neumes;
- (5) in accord with E. A. Lowe's practice in his magisterial *The Beneventan Script*, saec. XI<sup>1</sup>=first half of the eleventh century, saec. XI<sup>2</sup>=second half of the eleventh century, saec. XI in.=1000–1030, saec. XI ex.=1070–1100, saec. XI/XI=ca. 1100;
- (6) identification of the text is given wherever possible along with indications of provenance, ownership, and previous bibliography;
- (7) any membra disiecta known to me are cited.

The principle observed regarding textual identification deserves a brief comment. Some of the binding fragments were preserved in such a way that it was possible to identify the text(s) on both hair and flesh side; often this fortunate circumstance enabled me to specify with some certainty the type of book from which the fragment(s) had been excised. Almost as often, however, the fragments were pasted down so that only one side was visible; when this occurs, the pastedown factor is noted in the description and the identification refers (unless stated otherwise) to the uppermost, visible side. In such situations I have normally identified the text without attempting any broader classification of "Missale," "Breviarium," and so forth, the exception being the use of "Antiphonale" for neumed texts consisting solely of antiphons and responsories. When scraps join to form a larger fragment, I have occasionally indicated the textual order of the join by (a)+(b)+(c) and so forth, with (a) designating the uppermost scrap.

I began to compile Part IV immediately after the publication of Part III in the fall of 1994. My descriptions are based on inspection of the item in situ or in facsimile. In view of the riches of libraries and archives in Italy, it is certain that new examples of Beneventan will continue to emerge, and I will be grateful for any leads. This instalment of the "New List" represents all the items known to me at present (June 1999). During the course of my investigations, a number of items previously described by me and by others as missing were re-discovered by various scholars who kindly communicated their findings: Chi-

cago, Newberry Library "36a" (*Paul H. Saenger*); Olomouc, Státní vedecká knihovna, Iustinianus, Institutiones (*Hartmut Hoffmann*); Pescocostanzo, Gaetano Sabatini Collection Perg. 2 (*Antonio Ciaralli*); Split, Dominikanski samostan Ink. 9 (*Richard F. Gyug*). See the respective entries below for these items.

At present no further information could be obtained regarding the following items certainly in Beneventan script:

- Litoměřice, Státní oblastní archiv v Litoměřicích: Antiphonale (Comm. virginum). Saec. XIII. 1 damaged folio, 406×267 (273×160) mm., 8 lines of musical text. Formerly used (*ut vid.*) as a cover for a book; a label pasted to the recto (on what would have been the spine of the volume) reads "THEO / logicae as / serationes / Martini Olavei." Dr. Ladislav Macek, former director of the Státní oblastní archiv v Litoměřicích, saw this leaf in 1951 or 1952 and suggests that it may have belonged to one of the monasteries in the region whose archives were transferred to the Státní oblastní archiv. Other fragments of the same manuscript are London/Oslo, The Schøyen Collection MS 1597 (Brown III, 317) and Vatican City, Biblioteca Apostolica Vaticana Chigi S V 4, fasc. 11 (*The Beneventan Script*, 165). (Our knowledge of this fragment is owing to Dr. Zdenka Hledíková who kindly supplied a photographic reproduction.)
- Spoletto, Biblioteca Comunale: 5. 40. 3. 12, binding fragments (*BMB* 5:5 [*Maria Rosaria Castelletti*]). The fragments were not available in May 1997, June 1998, and May 1999.
- Troia, Archivio del Duomo: S. N. Liturgica (?). 2 folios, 19 and 15–17 lines. Saec. XI/XII. The fragments were seen briefly in November 1996 by *dott.ssa Rosa Salvati*; they were not available for consultation in April 1997 since, according to *don Mario Maitilasso*, Director of the Archivio del Duomo, they had been sent to Rome for restoration (Salvati, 242).

Some items reported to be in Beneventan turned out to be written in other kinds of script:

- Naples, Biblioteca Universitaria G.62.Busta n. 5, cover (Virgil, *Georgics* 4.1–80).<sup>4</sup> In May 1998 the leaf serving as the cover of this printed book (Pietro Antonio Corsuto, *Il Capece ouero le riprensioni* [Naples, 1592]) contained the Virgilian text noted above, but it is written in romanesca.
- Olomouc, Státní vedecká knihovna M I 293, front and back flyleaves (Cicero, *De amicitia* 1.1–5, 9.32–11.37)+M I 305, front and back flyleaves (*ibid.* 2.6–3.10, 8.27–9.31).<sup>5</sup> In February 1999 the flyleaves in both manuscripts contained the Ciceronian text noted above, but the script is ordinary minuscule.

<sup>4</sup> G. Zappella and E. Alone Improta, *Le cinquecentine napoletane della Biblioteca Universitaria di Napoli* (Rome, 1997), 218, 220, no. 35 and plate 56 (reduced) on p. 219.

<sup>5</sup> M. Boháček and F. Čáda, *Beschreibung der mittelalterlichen Handschriften der Wissenschaftlichen Staatsbibliothek von Olmütz*, rev. F. and M. Schäfer, ed. H.-B. Harder and H. Rothe (Cologne, 1994), 218, 245.

Würzburg, Universitätsbibliothek M.p.j.f.m. 2, with a marginal gloss in Beneventan.<sup>6</sup> No glosses in this manuscript (Justinian, *Codex*, in romanescsa saec. XI) are written in Beneventan. (Roger E. Reynolds)

Zagreb, Metropolitanska Knjižnica MR 136 (*Sacramentarium s. Margaritae*).<sup>7</sup> The script is Gothic.

Part IV could not have been compiled without the generous help of many scholars, librarians, and friends. To all of them I am very grateful, and I have signalled their contributions by citing their names in parentheses at the end of relevant entries. Some have provided assistance far above and beyond what could even be dared hoped for, and so I should like to thank especially dott.ssa Tina Aprile, dott. Pasquale Arfé, Prof. Giacomo Baroffio, dott. Guido Billanovich, dott. Domenico Capolongo, dott. Walter Cappezali, dott.ssa Rita Cosma, sig. Paolo Francesco d'Aloisio, dott.ssa Lucia Di Santo, dott.ssa Daniela Di Tommaso, dott.ssa Elisabetta D'Onofrio, Dr. Wilken Engelbrecht, don Giovanni Fangio, dott.ssa Rita Filippi, fra Martino Gaudio, dott.ssa Assunta Gori, Dr. Barry F. H. Graham, Prof. Richard F. Gyug, dott.ssa Italia Longano, dott. Vincenzo Luisi, Prof. Roger E. Reynolds, Rev. Neil J. Roy, dott. Raffaele Santoro, dott. Paolo Scaccia Scarafoni, and dott. Fabio Simonelli.

With extraordinary patience and good will dott. Fabrizio Mastroianni accompanied me on several journeys to archives and libraries in Umbria and northern Lazio. His ongoing exhaustive explorations continue to benefit not only my own work but also that of many other scholars, and we are all in his debt.

Finally, it is a special pleasure to thank dott.ssa Rosa Salvati and Mr. Kevin Byrne. They examined thousands of volumes in Puglian libraries and archives and constantly kept me informed of their findings. They were my faithful, cheerful, and seemingly indefatigable companions on many manuscript expeditions throughout Puglia. They exemplify what is best in scholarly collaboration.

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\* \*

The following abbreviations are used throughout for bibliographical references:

<sup>6</sup> R. Weigand, "Fragmenta des römischen Rechts in der Universitätsbibliothek Würzburg," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, 105 (1988): 784.

<sup>7</sup> A. Badurina, *Illuminated Manuscripts in Croatia*, trans. M. Paravić (Zagreb, 1995), 106, no. 236: "Carolingian and Beneventan script ff 258–266." MS MR 136 appears to have been confused with Zagreb, Metropolitanska Knjižnica MR 164, fols. 258r–266v (Beneventan, but not described by Badurina in his entry for MS MR 164 on p. 105, no. 233).

- B.H.L. = *Bibliotheca hagiographica latina antiquae et mediae aetatis*, 4 vols., *Subsidia hagiographica* 6, 12, 70 (Brussels, 1898–1986).
- Barré = *Les homéliaires carolingiens de l'école d'Auxerre*, Studi e testi 225 (Vatican City, 1962).
- BMB = *Bibliografia dei manoscritti in scrittura beneventana*, compiled by the Scuola di specializzazione per conservatori di beni archivistici e librari della civiltà monastica, Dipartimento di Filologia e Storia, Università degli Studi di Cassino, 6 vols. published to date (Rome, 1993–98).
- Brown I, II, III = V. Brown, "A Second New List of Beneventan Manuscripts" (I) *Mediaeval Studies* 40 (1978): 239–89; (II) 50 (1988): 584–625; (III) 56 (1994): 299–350.
- CAO = R. J. Hesbert, *Corpus antiphonarium officii*, vols. 3–4, *Rerum ecclesiasticarum documenta, series maior, fontes* 9–10 (Rome, 1968–70).
- Cenci 1, 2 = C. Cenci, *Manoscritti francescani della Biblioteca Nazionale di Napoli*, 2 vols. (Quaracchi-Grottaferrata, 1971).
- Chevalier = U. Chevalier, *Repertorium hymnologicum. Catalogue des chants, hymnes, proses, séquences, tropes en usage dans l'église latine depuis les origines jusqu'à nos jours*, 6 vols. (Louvain, 1892–1920).
- Machielsen = J. Machielsen, *Clavis patristica pseudepigraphorum medi aevi* (Turnhout, 1990–).
- Reynolds = R. E. Reynolds, "Corpus Christi in Agnone," *Mediaeval Studies* 60 (1998): 307–13.
- Salvati = R. Salvati, "Nuovi frammenti beneventani in Puglia, Basilicata e Calabria," *Altamura: Rivista storica/Bollettino dell'A.B.M.C.* 38 (1997): 223–42, including 11 figs.
- The Beneventan Script* = E. A. Loew, *The Beneventan Script: A History of the South Italian Minuscule*, vol. 2: *Hand List of Beneventan MSS.*, 2d edition prepared and enlarged by V. Brown (Rome, 1980).

## AGNONE

### Archivio della Parrocchia di S. Antonio Abate

**Libri dei matrimoni 1 (1610–1681)**, cover. Missale (Dom. 5 p. Epiph.–Septuag.). Saec. XIII. 1 folio, damaged on the hair side (recto), 363×255 (255×175) mm., 2 cols., 26 lines. Below the text on the recto is the entry "Hauemo incominciato a seruire / Mapillo di belmonte allo primo / di decembro 1637." *Bibl.*: Reynolds, 309.



**Libri delle messe 1 (1632)**, cover. Antiphonale (Dom. 1 p. Pent.–De lib. Regum). Saec. XIII. Upper part of a leaf, damaged on the flesh side (verso), 236×260 (179×170) mm., 7 of an original 10 lines of musical text surviving. The fragment is from the same manuscript as the item described immediately below and continues the text of (unnumbered) fol. 1v.

**S. N. Antiphonale (Fer. 2 p. Pent.–Dom. 1 p. Pent.; De lib. Regum)**. Saec. XIII. A bifolium, 420×ca.289 (271×ca.170) mm., 10 lines of musical text. Presently (May 1999) serving as the cover of a bound volume of ecclesiastical records and kept in an orange folder labelled “Inventario dei beni stabili, introiti e redditi / della chiesa e delle sue capelle 1602.” At the top of the front outside cover are the entries “honofrio,” “Colle,” “Vallone d(i) Cero.” From the same manuscript as the item described immediately above. *Bibl.*: Reynolds, 309. (*Maria Cristina Melloni*)

**Archivio Storico Comunale: fondo Luoghi pii, Busta 28, fasc. 1, cover.** Vitae sanctorum (Scholasticae [B.H.L. 7517]; Barbatii [B.H.L. 974]). Saec. XIII. A mutilated and damaged bifolium, formerly the outermost of the quire, 350×264 (ca. 270×179) mm., 2 cols., 28 lines. Presently (July 1998) serving as the cover of a volume containing “Legati pii” for the years 1542–44. *Bibl.*: Reynolds, 309. (*Luigi Misischia*)

#### **Biblioteca Emidiana<sup>8</sup>**

**S. N. (“C 8”)**. Fragments formerly serving as covers before the volume (“Capituli et Supplicationi porrecte a la Maiesta de la Serenissima Santa Regina / per parte de la Vniversita et homini dela vniversa terra de Agnone,” 1491–1569) was restored in 1972 by Cav. G. Di Giacomo, Pescara.

(i) (front flyleaves) *Orationes ad crucem*. Saec. XV. A mutilated bifolium, 278×230 mm., of which fol. 1r1–15 is in imitation Beneventan.

<sup>8</sup> *BMB* 6:5 reported three new Beneventan items in the Biblioteca Emidiana, namely, “C 8,” “C 9,” and “C 9 bis,” with no indication of the respective contents; short descriptions of all three items, together with four more hitherto unknown specimens in this library, were published by Roger E. Reynolds (see the list of abbreviations on the preceding page) and cited as “S. N.” It should be noted that each of the shelfmarks in *BMB* is drawn from information typed at the bottom of a card containing brief details of the date, contents, and restoration of the main manuscript and kept loose in the relevant codex. According to don Giovanni Fangio, Direttore of the Biblioteca Emidiana, the exact function of “C 8,” “C 9,” and so forth is unclear and it is by no means certain that such designations are to be interpreted as shelfmarks (oral communications of 12 June 1997, 6 July 1998, and 10 May 1999 to Virginia Brown). Accordingly, “S. N.” is retained in the descriptions given below, with the *BMB* shelfmark included in parentheses.

- (ii) (back flyleaves) Graduale (Pasch.-fer. 2 p. Dom. 2 p. Pasch.). Saec. XII. A bifolium, 286×194 (214×141) mm., 11 long lines of musical text. From the same manuscript as the item described immediately below. *Bibl.*: Reynolds, 309. (*Giovanni Fangio, Oronzo Pecere, Marco Palma*)
- S. N. ("C 9"). Graduale (Pasch.; fer. 3 p. Pasch.). Saec. XII. 2 folios, damaged on the flesh side, 236×186 (220×139) mm., 11 lines of musical text. The fragments formerly served as a cover before the volume ("Supplicationi gratie immunita exemptioni privilegii capituli prerogative et concessioni quale se domandano per la universita et homini de Agnone allo illustrissimo S<sup>or</sup> Prospero Colomna da observarse in futurum per dicto Ill.mo S<sup>or</sup> et sui heredi et successori ad dicta universita," 1507-24) was restored in 1972 by Cav. G. Di Giacomo, Pescara (stamp on inside back cover); they were reinserted as (now separated) front and back flyleaves. From the same manuscript as the final flyleaves in the item described immediately below. *Bibl.*: Reynolds, 309.
- S. N. ("C 1"). Libellus ad festum Corporis Christi. Saec. XIV. 5 leaves (2 bifolia and 1 folio), spotted with purple mould, 368×251 (251×181) mm., 7 lines of musical text. Restored in or after 1955. *Bibl.*: Reynolds, 308-13. (*Giovanni Fangio*)
- S. N. ("C 9 bis"). Missale (Fer. 4 Quat. Temp. Septemb.; Sabb. Quat. Temp. Septemb. [?]). Saec. XIII<sup>2</sup>. A bifolium, very damaged and almost illegible on two sides, 280×253 (254×160) mm., 2 cols., 22 lines surviving. The fragment, formerly serving as a cover before the volume ("Statuti del 1455") was restored in 1971 by the Soprintendenza Bibliografica Regionale di Pescara, was reinserted as the final flyleaves. *Bibl.*: Reynolds, 309.
- S. N., binding fragments. Orationes (*ut vid.*). Saec. XII. 2 damaged strips presently (June 1997) used to reinforce the binding of a printed book (Guilielmus Pepin, *Sermones dominicales* [Paris, 1542]). Respective measurements (from top to bottom): (a) 30×93 mm., parts of 4 lines; (b) 30×45 mm., parts of 4 lines, from the edge of a leaf. Ex libris: (fol. aiiii) "\_\_\_\_\_" (*canc.*) and "fratris De \_\_\_\_\_"; "Patris fratris Johannis \_\_\_\_\_"; (title-page) "Ad usum fratris \_\_\_\_\_." *Bibl.*: Reynolds, 309.
- S. N., binding fragments. 2 heavily damaged strips from the lower part of a leaf containing an unidentified text in Bari-type Beneventan saec. XII in. reinforce the binding of a printed book (Johannes Ravisius, *Ephithetorum opus* [Basel, 1541]). Respective measurements (from top to bottom): (a) ca. 107×45 mm., parts of 2-3 lines; (b) 110×32 mm.,

parts of 3 lines. Ex libris (title-page): "Del luogo di Capuccini d'Agnone," followed by another entry, mostly illegible, which was cancelled and rewritten. *Bibl.*: Reynolds, 309.

- S. N., binding fragments. Vetus Testamentum (Ps 86:4–7). Saec. XII. 4 scraps presently (June 1997) used to reinforce the binding of a printed book (Laurentius a Villavicentio, *Sermones dominicales* [n.p., n.d.]) join to form a fragment measuring ca. 65 × ca. 151 mm., parts of 7 lines. On the verso of the final leaf is the entry "Maestri Agostini / ferarese \_\_\_\_\_." *Bibl.*: Reynolds, 309.

## ALTAMURA

### Archivio Biblioteca Museo Civico

Cinquecent. 180, binding fragments. Sacramentarium (Fer. 6 in Parasceve). Saec. XII/XIII. 4 damaged strips presently (April 1997) used to reinforce the binding of a printed book (Philippus Diez, *Conciones quadruplices quae a Dominica Septuagesimae usque ad sacrum Dominicae Resurrectionis festum in Ecclesia Romana tam in Dominica quam in Feriis habeantur*, vol. 1 [Venice, 1591]) join (a+c+b+d) to form a fragment measuring 122 × ca. 151 mm., parts of 9 lines, from the upper part of a leaf. Ex libris: (title-page) "Ad uso di fra Stefano / di Altamura del Conuento / di Altamura"; (written across the outer edge of the leaves at the top, side, and bottom) "Riformati / S. Maria delle Gratie / Altamura"; (fol. ii<sup>v</sup> [final flyleaf]) "Io fra Francesco di Putignano." From the same manuscript as the strips described immediately below. *Bibl.*: Salvati, 228 and fig. 1.

Cinquecent. 181, binding fragments. Sacramentarium (Matthaei [?]; ?). Saec. XII/XIII. 4 damaged strips are presently (April 1997) used to reinforce the binding of a printed book (Philippus Diez, *Conciones quadruplices Dominicarum et Festorum quae a Dominica prima Adventus usque ad Septuagesimum*, vol. 3 [Venice, 1591]). The fourth and second strips from the top join to form a fragment measuring ca. 120 × ca. 74 mm., parts of 10 lines. Respective measurements of the remaining strips:

(a) (uppermost) 122 × 36 mm., parts of 9 lines (text unidentified), from the edge of a leaf;

(b) (third strip) ca. 110 × 30 mm., with no writing seen on the side now uppermost, but half of what appears to be a red painted *T* is visible on the side pasted down.

Ex libris: (fol. i<sup>r</sup> [first flyleaf]) "Ad uso del con(uen)to"; (title-page) "Ad uso di fra Stefano / del conuento <di> A<ltamura>" and "Del Con-

uento delle Gratie di \_\_\_\_\_"; (written across the edge of the leaves at the top, side, and bottom) "Riformati / S. Maria delle Gratie / Altamura." From the same manuscript as the strips described immediately above. *Bibl.*: Salvati, 228 and fig. 2.

### Archivio Capitolare

S. N. Vetus Testamentum (Gen 30:15, 16, 32, 33, 34–35). Saec. X/XI. 2 scraps from the same leaf were formerly used to reinforce the binding of a printed book (Cinq. 9 C: *De actionibus titulus Institutionum Iustiniani tertiam iuris ciuilis partem continens, commentariis D. Iasonis Mayni Excellentiss. Iuris interpretis eiusdemque Additionibus et a postillis D. Benedicti de Vadis Forosempronensis et a D. Antonio Carcassona Sardo auctis illustratus* [Venice, 1574]). Presently (April 1997) kept in a yellow folder labelled (in pencil): "Anno 1987. Ci sono pergamene con scrittura e musica beneventana (di grandissimo valore e interesse storico). don Oronzo Simone." Respective measurements: (a) 57×71 mm., part of 1 of 2 cols., 2 lines, from the upper part of the leaf; (b) 71×66 mm., part of 1 of 2 cols., 6–7 lines. Ex libris (title-page of printed volume): "Ad usum \_\_\_\_\_" and (in another hand) "Die 8 januarij 1576. Neap \_\_\_\_ 1.2.10" (*vel* 50?). *Bibl.*: Salvati, 230, and "Nuovi frammenti beneventi ad Altamura," *Studi medievali*, 3d ser., 39 (1998): 307–25 and 3 plates (title-page of printed book and complete facsimile of the Beneventan fragments).

S. N. Missale, cum neumis (Vig. Nat. Dni; missa in nocte). Saec. XII. Bari type. 1 folio, 320×205 (252×156) mm., 2 cols., 11 lines of musical text (flesh side [recto]), 12 lines of musical text (hair side [verso], col. a), and 20 ruled lines (col. b). Formerly serving as part of the cover of a register ("Regist. Assunta / Anno 1522 / N. 6 [ex 4]") and presently (April 1997) kept in the same yellow folder together with the fragment described immediately above. *Bibl.*: Salvati, 228, 230.

### ASSISI

#### Biblioteca del Sacro Convento

Incunabolo 17, binding fragment. Leo Magnus, *Tractatus* 59.6–8. Saec. XI (*ut vid.*). A strip presently (May 1997) used to reinforce fols. 8v–9r of a printed book containing various medical texts (*Isagoge Johannis ad Tegni Galieni*, etc. [Venice, 1483]): 325×ca. 33 mm., parts of 30 lines, from the top and edge of a leaf (hair side [recto]). Ex libris: (fol. 2r) "fratris francisci de Bastia Diffinitoris generalis ordinis Minorum obseruantium et Prouinciae / Seraphicae olim Ministri Prouincialis 1666"; (fol. 211v) "Ad usum fratris francisci de Bastia Diffinitoris

Generalis ordinis Minorum obseruantium / et Prouinciae Seraphicae ex Ministri Prouincialis. 1666." *Bibl.*: BMB 4:5. (Valentina Longo, Sabina Magrini, Simona Perugia)

Cinq. 105, binding fragment. Unidentified text (Patristica?). Saec. XII/XIII (*ut vid.*). 5 strips presently (May 1997) used to reinforce the binding of a printed book (Guido de Baysio, *Commentaria elegantissima super Decretorum uolumine Rosarium nuncupata* [Venice, 1503]). Respective measurements (from top to bottom):

- (a) 68 × 126 mm., parts of 7 lines, from the outer edge of a leaf;
- (b) 76 × ca. 127 mm., parts of 7 lines, from the outer edge of a leaf;
- (c) 78 × ca. 121 mm., parts of 9 lines, from the outer edge of a leaf;
- (d) 75 × ca. 118 mm., parts of 5 lines, from the bottom and outer edge of a leaf;
- (e) 70 × 121 mm., parts of 5 lines, from the top and outer edge of a leaf.

*Bibl.*: BMB 4:5. (Valentina Longo, Sabina Magrini, Simona Perugia)

## BARI

### Biblioteca Nazionale

70 D 29, binding fragments. Homiliarium (?; Gregorius Magnus, *Homiliae in euangelia* 17.7, 8). Saec. XII. 4 scraps presently (April 1997) used to reinforce the binding of a printed book (Leandro Alberti, *Descrittione di tutta Italia* [Venice, 1557]). Except for the lowermost scrap where both sides are visible, the other side of the remaining scraps is mostly covered with paper. Respective measurements (from top to bottom): (a) 40 × ca. 23 mm., parts of 4 lines; (b) 49 × 26 mm., parts of 6 lines; (c) 38 × 41 mm., parts of 4 lines; (d) 48 × 123 mm., parts of 5 lines. *Bibl.*: Salvati, 230.

70 N 1/2, binding scraps. Breviarium-Missale (Iohannis Baptistae). Saec. XII/XIII. 4 scraps presently (April 1997) used to reinforce the binding of a printed book (*Sylvestrinae summae quae summa summarum merito nuncupatur, pars secunda ab Rever. Patre Sylvestro Prierate* [Venice, 1569]). Respective measurements (from top to bottom): (a) 92 × 39 mm., parts of ca. 16 lines, only 4 of which are legible, from the edge of a leaf; (b) 85 × 45 mm., parts of 15 lines, from the outer edge of a leaf; (c) 46 × 99 mm., parts of 3 lines, from the bottom and outer edge of a leaf; (d) 54 × 84 mm., parts of 7 lines, from the outer edge of a leaf. Ex libris: (recto of front paper flyleaf numbered "2") "questo libro e stato da Ercole \_\_\_ pappacoda donato all(?) P. Cap.<sup>ni</sup> di Trigg.<sup>no</sup>" and "Del luogho di P<sup>ri</sup> Cap.<sup>ni</sup> di Trigg.<sup>no</sup>"; "Del luogho di P<sup>ri</sup> Cap.<sup>ni</sup>

puccini di Triggiano”; (title-page) “Questo libro e / del S. (?) Don Ercole / Pappacoda / donato ali loco / de P.P. Capucini / di Tregiano.” *Bibl.*: Salvati, 230.

## BARLETTA

**Archivio Diocesano Pio IX: Conclusioni Capitolari, no. 38.** *Novum Testamentum* (1 Petr 5:1–14; 2 Petr 1:1–8, cum capitulis). Saec. XII/XIII. Bari type. 1 folio, cropped at the top, 285 × ca. 250 (260 × 169) mm., 2 cols., 27 of an estimated original 30 lines surviving. Presently (May 1995) serving as the cover of a volume entitled “Conclusioni dal 1634–1653.” On the verso (flesh side) there is a late entry in black ink in the intercolumnar space: “Legato di Costanza Marulli al f.<sup>o</sup> 26: / Accettaz.<sup>ne</sup> per Protettore S. Dom.<sup>co</sup> Suriano f.<sup>o</sup> 34.” (*Luisa DeRosa*)

**Biblioteca Comunale: Cinq. 355.IV.C.16,** binding fragments. Liturgica (Am 5:23–6:4; Mt 4:21 *vel* Mc 1:20). Saec. XI. Presently (January 1997) reinforcing the binding of a printed book (*Benedictus Pererius, Prior tomus commentariorum et disputationum in Genesim* [Rome, 1589]) are 4 scraps, 3 of which join to form a rectangular fragment measuring ca. 179 × max. 86 mm., parts of 25 lines; the fourth scrap measures 55 × 90 mm., parts of 2 lines surviving. Ex libris (title-page): “Collegii Cirinolani (*canc.*) / Baroletani Cathalogo / inscriptus.” *Bibl.*: Salvati, 230 and fig. 3.

## CALVI DELL’UMBRIA

**Archivio Storico Notarile: prot. 167,** cover. Missale (Nat. unius mart. pont.) Saec. XII/XIII. 1 folio, 430 × 304 (284 × ca. 170) mm., 2 cols., 20 lines. Presently (May 1997) serving as the cover of a volume of notarial records for the years 1549–71 (*not.* “Joannes Franciscus Polelli de Carbii diocicia (*ut vid.*) Narniensis”). Among the later entries added on the outside cover (hair side [recto] of the Beneventan leaf): “Libro dela dispensa cominciato dal / di primo d’ottobro 1562 per Jo. fran.<sup>co</sup> / de Calvj”, “Fr(?). Nicolaus \_\_\_\_\_.” (*Fabrizio Mastroianni*)

## CAMPI SALENTINA

**Biblioteca Calasanziana dei PP. Scolopi: S. N. 22** Beneventan fragments from 2 Beneventan manuscripts presently (April 1997) kept in a folder labelled “Fragmenta Calasanciana—Domus Campiensis Scholarum Piarum.” The fragments formerly served to reinforce the binding of G. B. Raimondi, ed., *I quattro Vangeli in arabo* (Rome, 1591) and Aloysius Lipomanus, *De probatis sanctorum historiis . . . auctis per F. Laurentium Surium Carthusianum*, vols. 1–5 (Cologne, 1570–74).

Both titles are listed in seventeenth-century inventories of the Biblioteca Calasanziana and contain ex libris: (*I quattro Vangeli in arabo*, title-page) "Domus Campiensis / Scholarum Piarum"; (*De probatis sanctorum historiis*, title-page) "Domus Campiensis Pauperum Matris Dei / Scholarum Piarum." (Our knowledge of these fragments is owing to dott.ssa Tina Aprile who kindly supplied further detailed information.)

- (i) Fragg. Calas. Camp. I: 7 fragments of varying sizes join with the 3 scraps in Campi Salentina, Alfredo Calabrese Collection S. N. ("Passionarium" [Brown II, 593]) to form the largest part of a folio in Beneventan saec. XII/XIII measuring (estimated) 435×269 (347×241) mm., 2 cols., 39 lines. All 10 scraps contain Vita et miracula sancti Hilarii ep. Pictaviensis (B.H.L. 3885, 3887). *Bibl.*: T. Aprile, "Frammenti in scrittura beneventana conservati presso la Biblioteca Calasanziana dei PP. Scolopi di Campi Salentina," *Rudiae. Ricerche sul mondo classico* 7 (1995): 55–74 and 1 plate (hair side [recto] of the 7 fragments in the Biblioteca Calasanziana, much reduced).
- (ii) Fragg. Calas. Camp. II: Missale, cum neumis (Fer. 5 in Cena Dni–Fer. 6 in Parasceve; Vig. Andreae, In die, Trin.). Saec. XII. Bari type. 15 scraps of varying sizes from 3 folios:
  - (a) 4 fragments join to form the lower part of a leaf (Fer. 5 in Cena Dni–Fer. 6 in Parasceve) measuring 155×173 (127×152) mm., 2 cols., 15 lines.
  - (b) 7 fragments join to form a leaf (Vig. Andreae–In die) measuring 296×212 (236×155) mm., 2 cols., ca. 27 lines;
  - (c) 4 fragments join to form the upper part of a leaf (Andreae–Trin.), 181×187 mm., 2 cols., ca. 17 lines.*Bibl.*: These fragments will be studied in detail by Tina Aprile in a forthcoming article.

## CAPUA

Museo Provinciale Campano (Our knowledge of these items is owing to dott. Stefano Palmieri.)

Perg. 828. Vitae sanctorum (Agapiti [B.H.L. 126]; Magni ep. Tranensis [B.H.L. 5171b]). Saec. XI in. Upper part of 1 folio, damaged on the flesh side (recto), 240×287 (220×261) mm., 2 cols., 22 lines surviving. This fragment joins with the fragment in Capua, Biblioteca Arcivescovile VI F 34 (Brown II, 594) to form a leaf measuring (estimated) 477×max. 315 (393×261) mm., 2 cols., 39 lines.

Perg. 831. Vitae sanctorum (Procopii [B.H.L. 6950]; Felicitatis cum septem filiis [B.H.L. 2855]). Saec. XII ex. 1 damaged folio, 438×289

(305×193) mm., 2 cols., 32 lines (hair side [recto]). Formerly serving as the cover of an unidentified volume.

### CASTELLANA GROTTA

**Biblioteca Comunale:** Cinq. A VI h 24, binding scraps. Hymnarium (Chevalier 12625; 9738). Saec. XI/XII. A scrap presently (May 1998) used to reinforce the binding of a printed book (Lodovico Dolce, *Giornale delle historie del mondo, delle cose degne di memoria di giorno in giorno occorse dal principio del mondo sino a' suoi tempi* [Venice, 1571]): 25×68 mm., parts of 3 lines. Ex libris: (title-page, recto) "Del luogo di \_\_\_\_\_"; (title-page, verso) "Dono della Signora Anna Palazzi ved. Viterbo"; (fol. ii<sup>r</sup>) "Sum Iulii Caesaris Viterbi." *Bibl.*: R. Salvati, "Il frammento di un manoscritto in scrittura beneventana" (forthcoming).

### CASTRO DEI VOLSCI

**Ferdinando De Santis Collection:** S. N. Haymo, Homilia in Iohannem 14:23–31 (Pent.) (=Barré, p. 202, no. 45; Liverani edition, pp. 340–41). Saec. XI<sup>l</sup>. 1 folio, 394×266 (327×201) mm., 2 cols., 33–35 lines. Formerly serving as the cover of an unidentified volume ("Amministrazione" written on the flesh side [verso]). Acquired April 1960 in Florence. (Ferdinando De Santis, Celestino Noce, Paolo Scaccia Scarafoni)

### CELANO

**Biblioteca Santa Maria Valleverde:** S. N., binding fragments. Patristica (?). Saec. XII. 4 scraps presently (May 1998) used to reinforce the binding of a printed book (Franciscus Toletus, *Commentaria una cum Quaestionibus in tres libros Aristotelis De anima* [Venice, 1575]). Respective measurements (from top to bottom): (a) 72×45 mm., parts of 7 lines; (b) 69×48 mm., parts of 7 lines; (c) 65×48 mm., parts of 7 lines; (d) 62×36 mm., parts of 6 lines. Ex libris (title-page): "De conuentu Vallis Viridis Celalani."

### CHIETI

#### Biblioteca Provinciale

Cinq. 1562 II, 1562 II (1), 1562 II (3), 1562 II (5), 1562 II (6), 1562 II (10), 1562 II (1/II), 1562 II (1/III), binding fragments. Antiphonale (Agathae; Benedicti; Martini; ?). Saec. XIII. 32 scraps, of which 23 contain writing, presently (May 1996) used to reinforce the binding of 8 printed books (Aristotle, *Opera omnia, cum commentariis Averrois*



*et tabula M. A. Zimarae* [Venice, 1562]), with 4 scraps in each volume: the largest scrap with text measures 101×42 mm., parts of 4 lines (Cinq. 1562 II [1/III] [Agathae]). (*Paolo Francesco d'Aloisio*)

Corr. II B VII 3, binding fragments. Breviarium (De Machabaeis; De Prophetis [?]). Saec. XII ex. 4 strips presently (May 1996) used to reinforce the binding of a printed book (Johannes Argenterius, *De morbis libri XIII* [Florence, 1556]): (a)+(d) join to form a fragment measuring 61×112 mm., parts of 10–11 lines (De Machabaeis); (b) 77×55 mm., parts of 10 lines, may come from the same folio. (c) 78×59 mm., parts of 10 lines (De Prophetis, *ut vid.*). (*Paolo Francesco d'Aloisio*)

S. N. Missale (Fer. 5–6 p. Pasch.). Saec. XI ex. Bari type. Upper part of 1 folio, damaged especially on the hair side (recto), 180×249 (158×175) mm., 2 cols., 18 lines surviving.

S. N. Vita Faustini et Iovitae (B.H.L. 2837). Saec. X. 1 folio, mutilated and damaged, 315×251 (238×ca. 190) mm., 2 cols., 28 lines (hair side [recto]). Formerly used as the cover of an unidentified volume; restored at an unknown date and now kept separately.

## CONVERSANO

Biblioteca del Seminario Vescovile: S. N. Bruno Signiensis, *Commentarius in Genesim* 19, 21 (PL 164:195B–D, 196B–D). Saec. XII. Bari type with Caroline influence. A vertical strip damaged on the flesh side (verso) so that the text is barely legible; 150×50 mm., parts of 30–31 lines, from the outer edge of a leaf. Presently (January 1997) kept in an envelope labelled “ACC Antifonario 1/1–3” and (in another hand) “Conversano Vesc. / M. 4693.85.” *Bibl.*: Salvati, 232.

## CORFINIO

Archivio Capitolare della Cattedrale S. Pelino: S. N. Graduale-Antiphonale. Saec. XII ex. 311×214 (235×139) mm., 12 lines of musical text.

Graduale. A damaged bifolium (Exalt. Crucis–Symonis et Iudae; Martini–Caeciliae) numbered fols. 144 and 149 in a register (“Liber Economi seu procuratoris Capituli s. Pelini ualuensis” and cited as unavailable in Brown II, 585; this fragment was located and examined by *Neil J. Roy* who confirmed that it has been removed from the register and is presently (May 1995) kept in a folder labelled “Carta del volume 7 / cap Corfinio.”

Antiphonale (De prophetis; Martini–Caeciliae). Saec. XII ex. 4 damaged folios, 317×235 (233×135) mm., 12 lines of musical text, presently (June 1999) constitute fols. 3, 262, 263, 266 in a missal of 1309 in

Gothic writing. The textual order is as follows: 3r-v; 266r-v, 263r-v, 262r-v. Fol. 262r is palimpsest: upper script, Missa pro s. Pelino, is Gothic with only scant traces remaining of the Beneventan text. Apparently from the same manuscript as the fragment of the Graduale described immediately above. The missal of 1309, including the Beneventan leaves, was restored by Cav. Giacomo Di Giacomo, Pescara (label pasted to the inside front cover). (Neil J. Roy)

## COSENZA

### Biblioteca Civica

Cinq. C 350 (4), binding fragments. Psalterium B.V.M.. Saec. XVI<sup>1</sup>. 4 fragments used to reinforce the binding of a volume containing various printed works (Johannes Duns Scotus, *Quaestiones super Uniuersalia Porphyrii necnon Aristotelis Praedicamenta ac Peryarmenias. Item Super libros Elenchorum et Antonii Andreae Super libro Sex principiorum* [Venice, 1508]; Johannes Anglicus, *Super Questiones uniuersales eiusdem Scoti* [Venice, 1502]; Franciscus Antonius Vivolus, *Quaesitum an singulare substantiae naturaliter et per se de se ipso an de alio subiecto praedicetur logicis omnibus pernecessarium*) come from 2 folios. The upper 2 scraps join to form a complete leaf (*Analecta hymnica* 35:189, stanzas 1-3); 126×97 (84×61) mm., 14 lines. The lower 2 scraps join to form another complete leaf (*Analecta hymnica* 35:190, stanzas 25-26), formerly the last in a quire; 127×96 (86×61) mm., 14 lines. These fragments probably once belonged to Vatican City, Biblioteca Apostolica Vaticana Borg. lat. 356 (which begins with an incomplete antiphon followed by *Analecta hymnica* 35:192, stanza 24 *Ave prima columpnarum*). Ex libris (title-page): "Hic liber est D. Cypriani (*corr. from Cyprianus, then the entire word cancelled*) de Neapoli et d. D.(?) A. D(?) N.(?) / 1.5.92"; "Hic liber est D. Anselmi (*canc., then Anselmi written suprascript by another hand*) de Neapoli, quem emit / à D. Josepho à Neapoli J"; "Hunc autem decimo septimo Nouembris eidem D. Josepho / à Neapoli Concionatori optimo redidit (*corr.*) \_\_\_\_"; "Iste liber iam compertus fuisse é nunc, esse D. Josephy (*corr.*) Neap."; "Hic Lib.(?) est \_\_\_\_." Written across the top and bottom edges of the printed leaves are the respective entries "Bisiniani" and "S F B" (=Bisignano, Convento S. Francesco dei Padri Cappuccini). *Bibl.*: Salvati, 232.

Cinq. Folio 125, offsets. 5 (?) scraps, now missing, once reinforced the binding of a printed book containing various works of Galen (*Isagogici libri, In Aphorismos Hippocratis commentarii septem, Lin-*

*guarum hoc est obsoletarum Hippocratis uocum explanatio Mario Nizolio Brixellensi interprete, etc. [Venice, 1576]). Offsets in Beneventan (ut. vid.) on the spine from the second, third and fourth scraps (text and date undetermined) measure respectively 75×60 mm., traces of at least 8 lines; 71×53 mm., traces of at least 5 lines; and 80×60 mm., traces of at least 4 lines. Bibl.: Salvati, 232.*

**Biblioteca SS. Crocefisso Padri Cappuccini: Cinq. B 44**, binding fragments. Antiphonale (?) (Comm. Unius conf.; virg.; ?), Saec. XIII (*ut vid.*). 4 damaged strips are presently (May 1998) used to reinforce the binding of a printed book (Gulielmus Durandus, *Speculi pars prima* [Venice, 1566]). Respective measurements (from top to bottom): (a) 28×80 mm., 2 lines of musical text; (b) 49×75 mm., 2 lines of musical text; (c) 45×78 mm., 3 lines of musical text; (d) 50×ca. 732 mm., 2 lines of musical text. *Bibl.*: Salvati, 232.

## DUBROVNIK

**Arhiv Biskupskog Ordinarijata (olim Congregatio presbyterorum s. Petri in Cathedra): S. N. Libellus s. Nicolai**: pp. 1–22, Vita; pp. 22–31, Miracula; pp. 31–33, Epilogus; pp. 33–44, Antiphonale; pp. 44–48, Missa, cum neumis.<sup>9</sup> Saec. XIII. 64 pages, of which 1–48 are in Beneventan and the remainder in Gothic writing. *Bibl.*: M. Demović, “Napjevi dubrovačkog beneventanskog liturgijskog priručnika blagdana svetog Nikole iz XI. stoljeća,” *Bašćinski glasi* 6 (1997): 93–147, with plates on 98–101; idem, *Dubrovački beneventanski liturgijski priručnik legende i obreda blagdana sv. Nikole iz XI. stoljeća* (Zagreb-Dubrovnik, 1998), complete color facsimile (the overall size has been slightly trimmed, but the original dimensions of the writing space have been preserved), study, and transcription, with summaries in German (135–37) and English (138–40). (*Hana Breko*)

**Povijesni Arhiv.** (Our knowledge of these items is owing to *Dr. Ivan Mustać*; detailed information was supplied by *Prof. Richard F. Gyug.*)

**Acta et diplomata (ASMM), prep.**

**XI, 1.** Donatio insulae Lacromensis monachis s. Benedicti (A.D. 1023). Saec. XI.

**XII, 26<sup>c</sup>.** Donatio ecclesiae s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XII. Written in or-

<sup>9</sup> It is difficult to identify with precision the texts making up the Vita, Miracula, and Epilogus. There are resemblances (often quite close), for example, to B.H.L. 6107 and 6164.

dinary minuscule, with some Beneventan features, by a scribe originally trained in Beneventan.

XII, 26<sup>cl</sup>. Donatio ecclesiae s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XII. Bari type. *Bibl.*: J. Stipišić, *Pomoćne povijesne znanosti u teoriji i praksi: Latin-ska paleografija, opća diplomatika, kronologija, rječnik kratica*, 2d enlarged ed. (Zagreb, 1985), 73 (transcription) and fig. 21.

XII, 26<sup>d</sup>. Confirmatio donationis ecclesiae s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XIII.

XII, 26<sup>e</sup>. Confirmatio donationis ecclesiae s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XII.

XII, 26<sup>f</sup>. Donatio ecclesiae s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XII.

XII, 26<sup>g</sup>. Confirmatio donationis monasterio s. Benedicti in insula Lacromensi de ecclesia s. Pancratii de Babina Palla in insula Meleta monasterio s. Benedicti in insula Lacromensi. Saec. XII. Written in ordinary minuscule, with some Beneventan features, by a scribe originally trained in Beneventan.

XII, 34<sup>a</sup>. Iuramentum Pauli episcopi Dulcinensis. Saec. XII (1189?).

## FABRIANO

**Biblioteca Comunale:** XXIV D 29, binding fragments. Ordo ad faciendum catechuminum. Saec. XII. 4 strips presently (May 1997) used to reinforce the binding of a printed book (Thomas Aquinas, *In libros Ethicorum Aristotelis interpretatio et expositio* . . . [Venice, 1500]) and pasted down to the inside front and back covers may come from the same leaf. The measurements are difficult to determine owing to the tightness of the binding; the strips pasted to the inside front cover come from the upper part of a leaf, and those pasted to the inside back cover come from the lower part. Paper pastedowns cover some of the text. Measurements of the second uppermost scrap pasted to the inside back cover: 37×73 mm., 1 of 2 cols. (width 60 mm.), 4 lines. *Bibl.*: *BMB* 4:5. (Marella Mislei)

## FALCONARA MARITTIMA

**Biblioteca Storica Franciscana e Picena:** S. N. Hymnarium (Chevalier 14481, 10763, 21481). Saec. XIII. Upper part of 1 folio, 113×151 (93×115) mm., 12 lines (flesh side [recto]). Removed from an unknown volume. *Bibl.*: G. Moroni, ed., *La musica negli archivi e nelle*

*biblioteche delle Marche*, Fonti storici nelle biblioteche marchigiane 4 (Ancona, 1996), 80. (Gabriele Moroni)

## FARFA

**Biblioteca dell'Abbazia:** S. N. Unidentified text. Saec. XI. A vertical strip from the outer edge and lower part of a leaf; 138×37 (height 112) mm., parts of 15 lines. (Susan L. Boynton)

## FERMO

**Biblioteca Comunale:** Cartella 4-D-2/516. Martyrologium (Apr.–Aug., cum lacunis). Saec. XII ex. 7 folios, 360×270 mm., 2 cols., 27 lines. *Bibl.:* G. Avarucci, "Frammenti di un martirologio in scrittura beneventana nella Biblioteca Comunale di Fermo," *Studia picena* 63 (1998): 7–32 and 14 plates (study, edition, and complete reproduction).

## FOGGIA

### Biblioteca Provinciale dei Padri Cappuccini

**Cinq. 1 D 1**, binding fragments. Graduale. Saec. XII. 5 badly damaged scraps are presently (January 1997) used to reinforce the binding of a printed book (*Decretum D. Gratiani universi iuris canonici pontificias constitutiones et canonicas brevis compendio complectens* [Venice, 1572]); another scrap, now loose, is mostly hidden under the paper pastedown. These scraps come from the same manuscript as the binding fragments described immediately below under **Cinq. 1 D 2**. Respective measurements of the binding scraps (from top to bottom): (a) 33×ca. 100 mm., part of 1 almost illegible line of musical text; (b) 32×ca. 108 mm., parts of 2 lines of musical text; (c) 42×116 mm., parts of 2 lines of musical text; (d) 41×85 mm., part of 1 line of musical text; (e) ca. 25×87 mm., part of 1 line of musical text, from the lower part of a leaf. The loose scrap measures 43×29 mm., parts of 2 lines of musical text. *Ex libris* (title-page): "Del luogo de frati Capuccini di / Campobasso" (*canc.*) and "Del luogo de Capuccini della / Serra." *Bibl.:* Salvati, 233.

**Cinq. 1 D 2**, binding fragments. Graduale (Dom. 6–7 p. Pent.). Saec. XII. 5 badly damaged scraps are presently (January 1997) used to reinforce the binding of a printed book (Boniface VIII, *Liber sextus Decretalium* [Venice, 1572]). These scraps come from the same manuscript as the binding fragments described immediately above under **Cinq. 1 D 1**. Respective measurements (from top to bottom):

- (a) ca. 70×41 mm., part of 1 line of musical text;
- (b) 106×38 mm., parts of 4 (?) lines of musical text, from the lower

part of a leaf;

(d)+(c) 109×80 mm., parts of 4(?) lines of musical text, from the lower part of a leaf;

(e) 107×47 mm., parts of 2 lines of musical text visible.

Ex libris (title-page): "del luogho di frati Cappuccini / di Campo-basso" (*canc.*) and "Del luogo de / Capuccini della / Serra." *Bibl.*: Salvati, 233.

Cinq. 3 A 21, binding fragments. Vetus Testamentum (Is 42:17–19, 43:3–4). Saec. XII. 4 badly damaged scraps are presently (January 1997) used to reinforce the binding of a printed book (Johannes Duns Scotus, *Quaestiones quatuor voluminum Scripti oxoniensis super Sententias* [Venice, 1580]). The upper three scraps join to form a fragment (with some textual lacunae) measuring ca. 97× at least 160 mm., parts of 4 lines (hair side [recto]). The lowermost scrap, 39×70 mm., parts of 6 lines, is almost illegible. Ex libris (title-page): "del luogo de Nola" and "Biblioteca dei Min. Cappuccini / Montefusco / Lett. T Pacc. 2 / Volume N. 8" (stamp). *Bibl.*: Salvati, 233.

Cinq. 3 D 2, binding fragments. Vetus Testamentum (Eccli 34:21–23, 26–30; 40:1–3). Saec. XII. Bari type. 4 strips presently (January 1997) used to reinforce the binding of a printed book (Thomas de Trugillo, *Thesauri concionatorum libri sex* [Venice, 1583]) come from 2 folios. The 3 upper strips, cut horizontally and of varying sizes and from the outer edge of the same leaf, join to form a fragment (Eccli 34:21–23, 26–30) measuring originally ca. 141×max. 125 mm., 2 cols. (width of complete col. 62 mm.), parts of 13 lines. The lowermost strip (Eccli 40:1–2), measuring 113×47 mm., parts of 12 lines, comes from another leaf. Ex libris: (fol. ii') "Biblioteca dei Min. Cappuccini / S. Elia a Pianisi / Lettera E / Palchetto N.° 4 / Volume N. 7" (stamp); (title-page) "Padri Cappuccini di Santo Elia," "Di Santo Elia," and "Biblioteca dei Min. Cappuccini / S. Elia a Pianisi / Lettera E / Palchetto N.° \_\_\_ / Volume N. \_\_\_" (stamp). *Bibl.*: Salvati, 233 and fig. 4.

## FOLIGNO

Biblioteca del Seminario Vescovile "Ludovico Jacobilli": Incunabolo 46. Antiphonale (Fer. 5 in Cena Dni). Saec. XIII. A strip, 211×67 mm., parts of 8 lines, from the edge of a leaf. Formerly used to reinforce the binding of a printed book (Boniface VIII, *Liber sextus Decretalium, comm. Johannis Andreae* [Venice, 1484]), and presently (May 1997) kept loose inside the volume. Ex libris (fol. 1v): "\_\_\_" (*canc.*) and "Ludovici Jacobilli." *Bibl.*: BMB 4:5. (Valentina Longo, Simona Perugia)

## FROSINONE

## Archivio di Stato

## Collezione delle pergamene

281. Missale (Dom. in Palmis). Saec. XI ex. A horizontal strip presently (July 1998) used to reinforce the first quire of a volume of notarial records for the years 1470–1503 (*not.* Marcus Antonius De Victoriis, active at Alatri 1470–1507) and 1469–88 (*not.* Victorius Magistri Nardi, active at Alatri 1445–1502); 37×254 mm., 2 cols., parts of 5 lines. Provenance: Alatri, Archivio Notarile Mandamentale, prot. n. provv. 18. (*Viviana Fontana*)
282. Antiphonale (Cosmae et Damianae; De Machabaeis). Saec. XII. A strip, very damaged on the hair side (verso), presently (July 1998) used to reinforce the binding of a volume of notarial records for the year 1519 (*not.* Franciscus \_\_\_\_); 145×35 mm., parts of 6 lines of musical text. Provenance: Alatri, Archivio Notarile Mandamentale, prot. n. provv. 45. *Bibl.*: BMB 4:5. (*Marella Mislei*)
283. Unidentified text (Patristica?). Saec. XII. 2 strips, both very damaged on the hair side (outside), presently (July 1998) used to reinforce the binding of a volume of notarial records for the years 1533–36 (*not.* Ambrosinus \_\_\_\_); 290×16 mm. and 270×17 mm., parts of 25–26 lines. Provenance: Alatri, Archivio Notarile Mandamentale, prot. n. provv. 75. *Bibl.*: BMB 4:5. (*Marella Mislei*)
361. Novum Testamentum (1 Thess 4:16–18). Saec. XII. A strip from the lower part of a folio, vigorously erased on the hair side (or perhaps written on the flesh side only), 142×max. 38 mm., parts of 9 lines. Removed at some point from an unidentified volume and restored at an unknown date; discovered in 1998. (*Viviana Fontana*)
362. Breviarium (*ut vid.*) (Assumpt. B.V.M.). Saec. XII. A damaged strip, apparently written on the flesh side only, 152×40 mm., parts of 13 lines. Removed at some point from an unidentified volume and restored at an unknown date; discovered in 1998. (*Viviana Fontana*)
363. Unidentified text. Saec. XII ex. (*ut vid.*). A mutilated and very damaged fragment presently (June 1999) used to reinforce the binding of a volume of notarial records for the years 1536–87 (*not.* Johannes Franciscus Antoninus, active at Alatri, Frosinone, Veroli, Fumone, and Guarcino). 206×ca. 81 mm., ca. 17 (?) lines. (*Maria De Sorbo*)
- Sezione Anagni-Guarcino, n. 4, lower script. Vita Viti, Modesti et Crescentiae (B.H.L. 8714). Saec. XII. 1 mutilated folio, stained on

both sides and now folded to form a bifolium; palimpsest, with the lower script barely legible; 388×241 (326×ca. 183) mm., 2 cols., 30 lines. Formerly serving as the cover (flesh side [recto] outside) of an unidentified volume. The upper script (Gothic) contains an Italian text.

## GALATINA

### Biblioteca Comunale "P. Siciliani."

Cinq. L V 33, binding fragments and offsets. Orationes. Saec. XIII (?). 2 damaged strips presently (May 1998) used to reinforce the binding of a printed book (Mathias Bredembachius, *In sanctum Iesu Christi evangelium secundum Matthaeum pia ac catholica commentaria* [Cologne, 1560]) probably join to form a fragment measuring 107×60 mm., parts of 12 lines, from the edge of a leaf. One of the strips is almost illegible. Traces of 2 offsets, barely legible and presumably from the same manuscript, are also seen on the spine of the volume: 59×55 mm., parts of 6 lines; 60×50 mm., parts of at least 5 lines. Ex libris (title-page): "Di S.<sup>ta</sup> Caterina in S<sup>to</sup> Pietro Galatina." *Bibl.*: Salvati, 233 and fig. 5.

Cinq. L X 10, binding fragments. Missale (Fer. 5 p. Oct. Pent.) Saec. XII. 4 strips are presently (May 1998) used to reinforce the binding of a printed book (Johannes Eckius, *Homiliarum . . . , tomus tertius, qui est peculiariter de sanctis. Additae sunt homiliae aliae sex . . . reliquae sunt de speranda ex Turcis victoria, ad reuerendiss. Cardinalem Bernardum episcopum Tridentinum* [Paris, 1553]). The first, third, and fourth scraps join to form a fragment measuring 69×162 mm., parts of 4 lines, from the upper part of a leaf. The second fragment also comes from the upper part of a leaf and exhibits seeming traces of 1 line in Beneventan. Ex libris (written across the top edges of the printed leaves): "S. Catar:°." *Bibl.*: Salvati, 233–34.

Cinq. P I 35, binding fragments. Missale, cum neumis (Dom. 12 p. Pent. [?]). Saec. XII. Bari type. 2 damaged scraps from the same folio, with flesh side as the recto, were used to reinforce the binding of a printed book (Johannes Picus Mirandula, *Opera omnia* [Reggio Emilia, 1506]):

(a) the upper scrap, now (May 1998) mostly loose, measures 157×67 mm., parts of 6 and 11 lines of text, from the lower part and edge of the leaf.

(b) the lower scrap, 159×73 mm., parts of 14 lines, from the upper part and edge of the same leaf, has been removed from the binding and is presently kept separately in a folded piece of paper labelled "21/10/96 Provenienza P. I. 35 / Tolto dalla sua 'sede' al dorso / perchè non vada disperso. . . ."



Ex libris (fol. aii<sup>r</sup>): “Ad usum fratris Iohannis \_\_\_\_\_” and “S. Caterina di San<sup>to</sup> Pietro in G.<sup>na</sup>.” *Bibl.*: Salvati, 234.

Cinq. P I 48, flyleaves and binding fragments. Fragments from seemingly three Beneventan manuscripts are presently (May 1998) found in a printed book (Johannes Duns Scotus, *Scriptum primum oxoniense super Primo Sententiarum*, vol. 1 [Venice, 1515]):

(i) Antiphonale. Saec. XIII.

(a) 1 cropped and damaged folio (Sabb. per annum-Sebastiani), 280×237 (191×182) mm., 8 lines of musical text surviving (hair side [recto]), serves as the front flyleaf.

(b) a scrap (Purif. B.V.M.), ca. 125×ca. 200 mm., parts of 4 lines of musical text; formerly pasted to the verso of the final paper flyleaf and now kept separately in a white envelope labelled “Frammenti di ‘codici’ / di Beneventana.” This fragment joins with the piece described immediately below to form a fragment measuring 180×244 mm., from the lower part of a leaf.

(c) a triangular scrap (Purif. B.V.M.), 177×165 mm., parts of 3 lines of musical text, from the lower part and outer edge of a leaf; found loose (January 1997) in the volume and now kept separately in the same white envelope as (b). Part of the same fragment as (b) immediately above.

(ii) Novum Testamentum (Jo 18:15–18, 22–25, 28–31, 36–38). Saec. XII ex. 4 binding fragments, of which the first 3 are in Beneventan:

(a) the uppermost strip, ca. 127×51 mm., exhibits the remains of the beginning letter(s) of 3 of an estimated 7 lines.

(b) the second and third strips once comprised the upper portion of the same leaf written in 2 cols., the larger part of 16 lines surviving; these strips now measure respectively 187×90 mm. and 177×94 mm. Offsets of the flesh side (verso) of the third strip, lines 11–16 and 1–5, are seen respectively on the paper pastedown of the inside front cover and the final paper flyleaf. The second and third strips are now (May 1998) kept in a yellow envelope labelled “P. I. 48 / Frammenti Codice / di Beneventana / 2. Vangelo di S. Giovanni.” The final paper flyleaf is now (May 1998) kept in the same white envelope as fragments (b) and (c) described under (i) above.

(iii) Unidentified text. Undetermined date. 2 small strips join to form a fragment measuring ca. 120×11 mm., parts of 12 lines; found loose (January 1997) in the printed book and now (May 1998) kept separately in a small white envelope labelled “P. I. 48 / n. 2 Frammenti di

Codice / di Beneventana. / (?) di Lezionario." Possibly from the same manuscript as the fragments described above under GALATINA, Biblioteca Comunale L X 10?

Ex libris (title-page): "In S.<sup>ta</sup> Caterina in S.<sup>to</sup> Pietro Galatina." *Bibl.*: Salvati, 234.

Cinq. P I 50, binding fragments. Missale. Saec. XII (?). 2 scraps presently (May 1998) used to reinforce the binding of a printed book (Johannes Duns Scotus, *Scriptum tertium oxoniense . . . super tertio Sententiarum* [Venice, 1516]). Respective measurements: (a) 75×36 mm., parts of 7 lines, from the lower part of a leaf; (b) 60×57 mm., parts of 6 lines (mostly illegible). Ex libris (title-page): "Di S.<sup>ta</sup> Caterina in S.<sup>to</sup> Pietro Galatina." *Bibl.*: Salvati, 234.

Cinq. Q III 3, binding fragments. Vitae patrum 4.22–26, 42, 43 (chapter heading only), ?. Saec. XII. Various fragments of differing sizes, all in damaged condition, have been used to reinforce the binding of a printed book (Thomas de Vio Caietanus, *In primam sanctissimi doctoris Thome Aquinatis summe theologie partem commentaria celebrima et subtilissima* [Venice, 1508]).

(i) 2 strips from the edge of a leaf:

(a) the strip at the front of the volume was removed (27 January 1997) and is now kept separately in an envelope labeled "Q III 3 / Frammenti scrittura beneventana sec. XII"; 311×106 mm., parts of 30 lines. The flesh side (verso, 4.24–26) was pasted to the inside front cover where a sparse offset, 251×25 mm., still remains; the hair side (recto, 4.22–24) is now mostly covered by a paper pastedown.

(b) the sparse remains of a strip, with hair side uppermost, are pasted to the inside back cover; 161×85 mm., parts of 13 lines (4.42, 43).

(ii) the sparse remains of a strip, with flesh side uppermost, are pasted to the verso of the final paper flyleaf; 154×81 mm., parts of 16 lines (4.42), from the lower part and edge of the same leaf as (i) (b).

(iii) a tiny fragment glued to the inside back cover; 25×18 mm., parts of 3 lines with traces of only a few letters.

(iv) 6 small crumbling pieces of various sizes found loose inside the binding; presently (May 1998) kept in a smaller envelope labelled "Q. III. 3 / Ben.<sup>na</sup> XII° / Frammenti" and placed inside the same envelope with the longer strip described above under (i) (a).

Ex libris (title-page): "Di S.<sup>ta</sup> Caterina in s.<sup>to</sup> Pietro Galatina." *Bibl.*: Salvati, 234.

**Inc. 112**, binding fragment. *Vetus Testamentum* (Is 43:6–7, 44:5–6). Saec. XI/XII. Bari type. A fragment, 45×64 mm., parts of 5 lines, from the edge of a leaf. Removed from a printed book (Johannes Aquilanus, *Sermones Quadragesimales* [Venice, 1499]) when the volume was restored at S. Maria della Scala, Noci (1982–85); presently (April 1997 and May 1998) kept separately in an envelope labelled “Frammenti pergamenei / Bib. Comunale di GALATINA. Il ‘codice’ (c. 1) si trovava incollato, a rinforzo, / nella parte interna della copertina dell’Incunabulo con / la collocazione n. 112: ‘Sermones’ dell’Aquilano.” Ex libris: (title-page) “Est s<sup>te</sup> c\_\_\_\_\_s (=c(onuentu)s?) Catherine”; (*Epistula ad lectorem*; top) “Ad usum F. B \_\_\_\_\_” (*canc.*) and (bottom) “Ad usum fratris bonar<sup>e</sup> de andria fuit concessus / Anno domini 1525.” *Bibl.*: Salvati, 234.

## GALLIPOLI

### Biblioteca Comunale

**Cinq. 69**, binding fragments. *Sermones*. Saec. XII. Presently (January 1997) reinforcing the binding of a printed book (Averroes, *Opera omnia*, vol. 10: *Destructio destructionum Philosophiae Algazelis*, [Venice, 1560]) are 4 scraps, 3 of which join to form a fragment measuring 71×ca. 152, parts of 7 lines, from the upper part and edge of a leaf; the fourth scrap (*Ordo baptismatis*) measures 72×46 mm., parts of 7 lines, from the upper part and edge of a leaf, and comes from the same Beneventan manuscript as the scraps described in the next entry. *Bibl.*: Salvati, 235 and fig. 6.

**Cinq. 70**, binding fragments. *Ordo baptismatis*. Saec. XII. 2 scraps presently (January 1997) used to reinforce the top and bottom of the binding of a printed book (vol. 11: Ps.-Aristotle, *De rebus auditu admirabilibus liber, De Xenophane, Zenone et Gorgia* . . . [Venice, 1560]). Respective measurements (from top to bottom): (a) 74×40 mm., 8 lines, partly hidden by a paper label (“Biblioteca Comunale / Gallipoli”); (b) ca. 76×ca. 39 mm., parts of 8 lines, from the upper part of a leaf. From the same Beneventan manuscript as one of the scraps described in the immediately preceding entry. Ex libris (title-page): “Ad uso de’ PP. / Cappuccini del Con-/vento di Gallipoli.” *Bibl.*: Salvati, 235.

## GIOVINAZZO

**Archivio Dicesano: fondo Archivio Capitolare, Cattedrale, Giovinazzo, Faldone 0, fasc. X**, binding fragments. *Novum Testamentum* (Apoc

21:7–12, 15–18, cum lacunis). Saec. XI. Bari type. 4 diamond-shaped scraps, with flesh side as the recto, are presently (May 1999) used in various ways to reinforce the binding of a register (“Inventario di beni mobili della Cattedrale, anno 1456”). Respective measurements (from top to bottom):

(a) 2 scraps reinforcing the spine: 135×49 mm., parts of 13 lines; 110×42 mm., parts of 7 lines.

(b) 2 scraps reinforcing the central bifolium (unnumbered fols. 10v–11r): 111×17 mm., parts of 9 lines, from the upper part of a leaf; 110×18 mm., parts of 6 lines, from the lower part of a leaf.

*Bibl.*: Salvati, 235.

**Vincenzo Luisi Collection:** Cinq. S. N., offsets. 4 scraps appear to have reinforced at one time the binding of a printed book (*Johannes Franciscus Quintianus, De syllabarum quantitate epographiae sex. . . . Ars breuissima et De aliquibus metrorum generibus ac De omnibus heroici carminis speciebus* [Venice, 1544]). Presently (May 1999) remaining are scant offsets of the second, third, and fourth scraps containing an unidentified text in Beneventan saec. XII (*ut vid.*). Acquired in 1996 at Foggia. *Ex libris*: (title-page) “sum (?) fr(atr)is Thomae Grumo die p(rim)a Ianuarij 1608” and “Frater Thomas Frangionus à Grumo ex Padua D. Thome seu Apulia”; (verso of title-page) “Utebatur / fr(ater) thomas frangionus / Grumo ex Prou(inci)a / D(iui) thomae seu Apuliae.” *Bibl.*: Salvati, 235 (under “Giovinnazzo, Studio Bibliografico ‘Peucetia’”).

## KAMPOR

**Franjevački samostan sv. Eufemije:** S. N., tabs. Antiphonale (?; Transfig. Dni). Saec. XII. Bari type. 4 scraps serving as tabs and for purposes of repair are presently (February 1997) pasted to the outer edges of the “Psalterium Maius,” in Gothic writing. Respective measurements (from top to bottom): (a) 44×71 mm., parts of 3 lines of musical text (unidentified); (b) 43×89 mm., traces of 1 line of musical text (unidentified); (c) 46×72 mm., parts of 3 lines of musical text; (d) 52×75 mm., parts of 3 lines of musical text. (*Roger E. Reynolds*)

## LANCIANO

**Archivio di Stato, sezione Chieti-Lanciano:** fondo notarile Giovanni Camillo Girelli 1632–38. Graduale (Simonis et Iudae–Amici; Ceciliae–Andreae). Saec. XII. A damaged bifolium, 333×225 (255×133) mm., 10 lines of musical text. Formerly serving as the cover of a vol-

ume of notarial records for the years 1632–38 (*not.* Giovanni Camillo Girelli, active at Roio del Sangro 1632–38) and removed when the volume was restored in 1994–95 by the Restauro “San Giorgio” di Pandimuglio Massimiliano, Soriano nel Cimino (Viterbo). Presently (July 1998) kept in a folder labelled (in pencil) “1632/38” and “12.” *Bibl.*: T. F. Kelly, “New Beneventan Fragments in Lanciano, Lucera, and Penne Containing Further Evidence of the Old Beneventan Chant” (forthcoming).

**Biblioteca Diocesana: S. N.** *A wooden binding exhibits scant offsets of a large leaf in Beneventan saec. XII ex. (ut vid.) containing Liturgica, cum neumis: ca. 375 × ca. 255 (width of written space: at least 220) mm.; visible are parts of 6 of an estimated 7 surviving lines of musical text. The binding originally enclosed a Breviarium, in Gothic writing, with various notae possessorum on fols. 11r, 12r, 13r, 14r, and 51r, of which the most legible is (fol. 51r): “Io fra Bernardino di / Barigiano no/vitio chierico mi ho vestito / al di 28 / di maggio / del Anno di / nostra salute.” The codex was restored in 1995 by the Centro Conservazione Restauro, Foligno and the Breviarium was rebound; the old wooden binding is now kept separately.*

## LECCE

### Biblioteca Provinciale

**Cinq. XXI B 81**, binding fragments. Breviarium (Comm. unius mart.–conf. pont.). Saec. XVI<sup>1</sup>. 4 strips, cut horizontally, are presently (January 1997) used to reinforce the binding of a printed book (Franciscus Canophylus, *Oeconomia concionalis* [Venice, 1551]). The 2 lowermost scraps join to form a fragment measuring 68 × max. 75 mm., parts of 9 lines, from the upper portion and edge of a leaf. The 2 uppermost scraps also appear to join and form a fragment measuring 60 × max. 76 mm., parts of 10 lines, from the edge of a leaf. Ex libris (fol. i<sup>o</sup>): “Franciscus.” *Bibl.*: Salvati, 235.

**Cinq. XXI I 79**, binding fragments. Novum Testamentum (Act 2:35–38; 7:23–25, 34–36). Saec. XII/XIII. 4 scraps, of which 3 are in Beneventan, are presently (January 1997) used to reinforce the binding of a printed book (Domingo De Soto, *De iustitia et iure libri decem* [Antwerp, 1567]); another scrap in Beneventan is glued to the cover. The Beneventan scraps, all cut horizontally, come from at least 2 leaves:

(a) the uppermost binding scrap measures 53 × 105 mm., parts of 7 lines (Act 7:23–25);

(b) the lowermost binding scrap measures 53×72 mm., parts of 7 lines (Act 7:34–36);

(c) the remaining scraps join to form a fragment measuring ca. 91×105 mm., 10 lines.

Ex libris: (title-page) “\_\_\_ minorum \_\_\_ fratris reformatorum” and “Conuentus s.<sup>ti</sup> Jacobi”; (verso of last flyleaf) “Dominici \_\_\_ ordinis predicatorum et Confi \_\_\_ Cesare Maiestati.” *Bibl.*: Salvati, 236.

## LONDON

Sotheby's (various fragments to be offered for sale on 22 June 1999 [lot 16]). (Our knowledge of these fragments is owing to *Dr. Christopher de Hamel* and *Dott.ssa Laura Nuvoloni*.)

(i) *Vetus Testamentum* (Pss 49, 50, 58, 88). Saec. XI. 7 damaged scraps, formerly serving as pastedowns, come from 4 folios; paper still covers completely one side of the text either completely (2 scraps) or partly (5 scraps). 2 scraps join to form a fragment from the lower part and edge of a leaf: 91×153 (width 111) mm., 6 lines (Ps 88:5–8, 18–21). 3 scraps remain of the leaf immediately following: 74×55 mm., parts of 8 lines, from the top and edge (Ps 88:21–25[26?]); 73×95 mm., parts of 19 lines (Ps 88:27–33, 42–49); 68×107 mm., parts of 4 lines, from the lower part and edge (Ps 88:?, 49–51). Each of the remaining 2 scraps comes from a separate leaf: 80×52 mm., parts of 10 lines (Pss 49:17–22; 50:6[7?]-13); 78×ca. 68 mm., parts of 9 lines (Pss 58:8–13; 59:2–7).

(ii) *Missale* (Fer. 6 hebd. 3 Quadr.). Saec. XII<sup>2</sup>. A scrap, 71×66 mm., parts of 5 lines, from the upper part of a leaf.

LONDON/OSLO, The Schøyen Collection: see OSLO—LONDON.

## LOS ANGELES

University of California, Los Angeles, Research Library: 170/678. *Beda, Commentarius in Cantica Canticorum* V.7.6–7. Saec. XI<sup>2</sup>. Bari-type. 2 pieces join to form a mutilated folio now measuring 220×145 mm., 2 cols. (width of complete col. 65 mm.), 27 of 29 lines surviving. Removed from a printed book (shelf mark 121263 AMEIP: *Girolamo Savonarola, Confessionale pro instructione confessorum* [Venice, 1524] and *Matthaeus Corradonus, Speculum confessorum et lumen conscientie* [Venice, 1535]), with the ex libris of the monastery of SS. Flora e Lucilla, Arezzo. 3 strips of parchment from a manuscript in Gothic writing saec. XIII were used to reinforce the recto along the spine and still partially obscure the Beneventan text. The volume was

acquired in June 1989 from Sokol Inc. (England). (*Richard H. Rouse*)

## LUCERA

### Biblioteca Comunale

Cinq. 40-8-658, binding fragments. Antiphonale-Graduale (Iohannis evang.). Saec. XI. 1 folio, originally cut to fit around four binding thongs of a printed book (Bede, *Commentarii in omnes divi Pauli epistolas* [Venice, 1543]); the folio was then cut into two pieces. One piece, now detached from the binding, is presently (April 1997 and July 1998) preserved loose in the volume; the other piece is still attached to the binding. The pieces join to form a fragment measuring ca. 110×150 (width ca. 130) mm., 8 of an estimated 11 lines of musical text surviving. Ex libris: (title-page) "Ant. Palma di questo Patrone" and "\_\_\_\_\_ (*canc.*) 1556"; (verso of last complete flyleaf) "Io Ant. Palma figlio di Angelo di / Palma sono uero Patrone di questo"; (back outside cover) "Palma \_\_\_\_\_ Antonius." *Bibl.*: Salvati, 236 and fig. 7; Kelly, "New Beneventan Liturgical Fragments" (see p. 351 above).

Cinq. 40-12-847, binding fragments. Vetus Testamentum (Ps 20:3–10). Saec. XIII. 4 damaged strips from the edge of a leaf, with hair side uppermost and flesh side mostly covered with paper, are presently (April 1997) used to reinforce the binding of a printed book (*Pandecta seu Digesta iuris civilis*, vol. 3: *Digestum novum* [Venice, 1569]). The strips appear to join (d+c+b+a) and form a fragment measuring 158×max. ca. 119 mm., parts of at least 20 lines. The textual order is certain in the case of d+c (since these fragments preserve generally parts of two words); the remaining traces of script in b and a (2–3 letters at the beginning of a line) seem to indicate the continuation of the same text. Ex libris: (stamped on outside front cover) "Mutii Ficatelli"; (inside front cover) "Donedo Bianchi."<sup>10</sup> *Bibl.*: Salvati, 236.

## MAGLIE

### Biblioteca Comunale

Cinq. P. 244, binding fragments. Graduale (Stephani). Saec. XIII. 4 strips presently (May 1998) used to reinforce the binding of a printed book (Aegidius Bossius, *Tractatus varii qui omnem fere criminalem materiam excellenti doctrina complectuntur* [Venice, 1570]) join to form a

<sup>10</sup> Vol. 3 is part of a five-volume set; no Beneventan fragments have been found in the other four volumes (Cinq. 40-12-846, 848, 849, 850) which also exhibit the name "Mutii Ficatelli" stamped on the outside front cover, with "A. Ioannes de s(f?)ilia. Anno. 1590" seen on the recto of the first front flyleaf in vol. 2 (Cinq. 40-12-846).

fragment measuring 133×168 mm., parts of 3 lines of musical text, from the upper part of a leaf (hair side uppermost). *Bibl.*: Salvati, 236.

Cinq. P 440, binding fragments. Breviarium (Dom.-Fer. 2 de psalmista). Saec. XIII. 4 fragments, all hair side uppermost with text visible on one side only, are presently (May 1998) used to reinforce the binding of a printed book (Matthaeus Brunus, *Tractatus de cessione bonorum* [Venice, 1575]). The uppermost and lowest scraps join to form a fragment measuring 75×69 mm., parts of 15 lines, from the lower part of a leaf (Ps 112:1–9, cum antiphonis). The second and third fragments join to form a fragment measuring 94×74 mm., parts of 21 lines, from the lower part of a leaf (Ps 118:127–39). Ex libris (title-page): “Angelus Suscius (?) de Carpignano / 1583 in Nap.” *Bibl.*: Salvati, 236, 239 and fig. 8.

Cinq. P 531, binding fragments. Missale (Iohannis evang.; ?). Saec. XII. Bari type. 5 strips are presently (May 1998) used to reinforce the binding of a printed book (Petrus Follerius, *Practica criminalis dialogica* [Venice, 1564]). The 2 upper strips join to form a fragment measuring 44×max. 154 mm., parts of 6 lines, from the edge of a leaf. Respective measurements (from top to bottom) of the remaining 3 fragments: (c) 25×ca. 62 mm., parts of 2 lines, from the edge of a leaf; (d) 34×74 mm., parts of 4 lines, from the edge of a leaf; (e) 50×92 mm., parts of 6 lines, from the edge of a leaf. *Bibl.*: Salvati, 239 and fig. 9.

Cinq. P 982, binding fragments. Florilegium patristicum (*ut vid.*). Saec. X. 4 scraps are presently (May 1998) used to reinforce the binding of a printed book (Hieronymus Platus, *De bono status religiosi libri tres* [Rome, 1590]). Respective measurements (from top to bottom):

(a) 89×38 mm., parts of 11 lines (Hieronymus, Epist. 147.3), from the lower part of a leaf (an additional line has been added at the lowermost edge);

(b)+(c)+(d) 84×ca. 102 mm., parts of 10 lines (?).

*Bibl.*: Salvati, 239.

Cinq. SC. XX u. 54, binding fragments+Cinq. SC. XX u. 55, binding fragments. Breviarium, cum neumis (Transfig. Dni). Saec. XIII. 5 fragments presently (May 1998) used to reinforce the binding of Cinq. SC. XX u. 54 (Nicolaus Vigelius, *Digestorum pars tertia De iure quod in rebus habemus cum suis causis et actionibus* [Basel, 1569]) join with 5 fragments reinforcing the binding of Cinq. SC. XX u. 55 (Nicolaus Vigelius, *Digestorum pars sexta De obligationibus et ac-*



*tionibus* [Basel, 1571]):

I: (e) SC. XX u.54+(a) SC. XX u.54+(b) SC. XX u.55+(b) SC. XX u.54=a fragment measuring ca. 174×ca. 193 mm., the greater part of 19 lines;

II: (c) SC. XX u.55+(c) SC. XX u.54=a fragment measuring 56×192 mm., 3 lines of musical text;

III: (d) SC. XX u.55+(d) SC. XX u.54=a fragment measuring 57×190 mm., the greater part of 1 line of musical text, from the lower part of a leaf.

Respective measurements of the remaining fragments: (a) SC. XX u. 55: 53×96 mm., parts of 6 lines, from the edge of a leaf (hair side uppermost); (e) SC. XX u. 55: 61×93 mm., parts of 3 lines of musical text, from the edge of a leaf (flesh side uppermost). *Bibl.*: Salvati, 239.

## MANFREDONIA

### Civiche Biblioteche Unificate

Cinq. 51, binding fragments. Breviarium, cum neumis (Sabb. p. Dom. 1 p. Epiph.; Dom. 2 p. Epiph.). Saec. XII. 4 scraps cut horizontally reinforce the binding of a printed book (Angelus de Clavasio, *Summa angelica de casibus conscientialibus . . . cum additionibus quam commodis R. P. F. Iacobi Ungarelli Patavini eiusdem ordinis* [Venice, 1578]) and join to form a fragment measuring an original estimated 219×max. 143 (width 110) mm., 24 lines. Ex libris on title-page: "Bibliothecę Conuentus / Iesus Marię Fogg." *Bibl.*: Salvati, 239 and fig. 10.

Cinq. 85, binding fragments. Unidentified text. Undetermined date. 4 heavily damaged scraps used to reinforce the binding of a printed book (Petrus Lombardus, *Sententiarum liber IIII* [Paris, 1543]). Respective measurements (from top to bottom): (a) 87×29 mm., parts of 11 lines; (b) ca. 60×33 mm., parts of 6 lines visible; (c) 63×33 mm., parts of 3 lines, from the edge of a leaf; (d) 80×37 mm., parts of 9 lines. Ex libris (fol. i'): "Ad usum fratris Hieronymi á Valle Reggian(o)." *Bibl.*: Salvati, 239–40 and fig. 10.

## MATERA

Archivio Diocesano: framm. 62. Commentarius in Exodum 20, 22. Saec. XII. A bifolium, mutilated and damaged, 376×250 (278×186) mm., 2 cols., 29 lines. Formerly serving as the cover of a register ("Quinterno delle intrate / di personi di case cellari / et censi et altri intrate / ordinatione et execuzione del Capitolo / della maggiore ecclesia che / tiene

nella Civita della / Citta di Matera fatto / per domino Cataldo di angiulo / nel anno 1558"); pasted to the fold (flesh side) of the bifolium is a paper label ("1558"). From the same manuscript as Matera, Archivio Diocesano Framm. 49+52 (Brown III, 323). (*Egidio Casarola*)

### Biblioteca Provinciale

Cinq. B 4, binding fragments. Vetus Testamentum (Pss 144–48). Saec. XIII. 5 damaged scraps presently (May 1998) used to reinforce the binding of a printed book (Alexander Tartagnus, *Consiliorum liber primus* [Venice, 1570]; idem, *Consiliorum liber secundus* [Venice, 1570]) come from 2 leaves: the first leaf is represented by the lowermost scrap (Pss 144:6–13, 18–145:4), 100×77 mm., parts of 12 lines, from the top of a leaf; the other 4 scraps join to form an irregularly shaped part of a second leaf (Pss 145:10–148:4, fort. cum lacunis) measuring ca. 186×ca. 148, ca. 20 lines. Provenance: "Dono delle famiglia / Del Salvatore" (entry written on inside front cover). *Bibl.*: Salvati, 240.

Cinq. B 5. Orationes. Saec. XIII. 5 damaged scraps presently (May 1998) used to reinforce the binding of a printed book (Alexander Tartagnus, *Consiliorum liber tertius* [Venice, 1570]; idem, *Consiliorum liber quartus* [Venice, 1570]) come from at least 2 leaves. Respective measurements (from top to bottom):

(a) ca. 101×55 mm., parts of ca. 10 lines, from the lower part and edge of a leaf;

(b) 18×102 mm., parts of 6 lines, from the lower part of a leaf: ?; *Deus qui tenebras ignorantiae . . . possit extinguere* (=GrC 1496);

(c) 95×60 mm., parts of 11 lines, from the upper part and outer edge of a leaf;

(e)+(d) 110×137 mm., 11 lines, from the upper part and edge of a leaf: ?; *Veniat qs dne benedictio tua . . . (expl. mutil.)* (=K. Gamber-S. Rehle, eds., *Manuale casinense* [Cod. Ottob. lat. 145], *Textus patristici et liturgici* 13 [Regensburg, 1977], 73, no. 61).

Provenance: "Dono delle famiglia / Del Salvatore" (entry written on inside front cover). *Bibl.*: Salvati, 240.

fondo Gattini, L 478. Homiliarium (Petrus Chrysologus, Sermo 145.9; Beda, Homiliae in evangelia 1.5). Saec. XIII. 4 damaged and fragile scraps used to reinforce the binding of a printed book (Aristotle, *Moralia nicomachia cum . . . Averrois expositione* [Venice, 1562]) apparently come from the same leaf. The third and second fragments from the top of the binding join to form the upper portion of the leaf,

73×80 (width 70) mm., 6 lines. The remaining scraps appear to be textually consecutive; respective measurements: (uppermost scrap) 70×35 mm., part of 1 line visible, from the edge of the leaf; (lowermost scrap) 82×40 mm., parts of 6 lines, from the upper portion of the leaf. When these fragments were first seen in January 1997, the lowermost scrap was intact; it is now (May 1998) broken into two smaller pieces. *Bibl.*: Salvati, 240.

**Museo Nazionale: fondo Gattini, Cinq. 3327, binding fragments.** Liturgica (Breviarium, *ut vid.*). Saec. XIII (*ut vid.*). 3 badly damaged scraps are presently (May 1999) used to reinforce the binding of a printed book (Pliny the Younger, *Historiae mundi tomus secundus* [Lyons, 1560]). Respective measurements (from top to bottom): (a) 18×40 mm., no writing visible, but the fragment seems to come from the same manuscript as scraps (b) and (c); (b) 28×38 mm., parts of 4 lines, from the edge of a leaf; (c) 17×48 mm., scant remains of 3 almost illegible lines, from the edge of a leaf. *Bibl.*: Salvati, 240.

## MILAN

**Archivio di Stato: Rubriche Notarili 3823, binding fragment.** *Commentarius in Apocalypsim* 3:10, 12, 14. Saec. XI. A damaged strip, cut horizontally from a bifolium, used to reinforce the binding of a volume of notarial records for the years 1543–98 (*not.* Giuseppe Porri quondam Giovanni Giacomo, active at Milan 1543–1600): 185×ca. 140 mm., parts of 2 cols., 23 lines; 190×ca. 238 (width ca. 200) mm., 2 cols., 23 lines. On the larger leaf, a miniature of an angel dictating to a scribe precedes the comment on Apoc 3:14. (*Giacomo Baroffio*)

## MOLFETTA

**Archivio Capitolare: S. N. Breviarium (Petri ap., *ut vid.*). Saec. XII.** 2 diamond-shaped scraps, probably from the same folio and formerly used to reinforce the binding of unidentified “*materia cartacea*”: 58×max. 44 mm., parts of 4–5 lines; 63×45 mm., parts of 6 lines. (*Luigi De Palma*)

## MONOPOLI

**Archivio Unico Diocesano**

A 4, binding fragments and offsets. Fragments and offsets from seemingly two manuscripts in Beneventan are seen throughout the main manuscript (Antiphonale [Pasch.–Dom. 24 p. Pent.], in Gothic writing). Some of the larger and more visible instances are given below.

"MS. 1": Unidentified text. Saec. X ex. (vel XI in.).

Fragment:

Strip reinforcing the binding between pp. 54 and 55: 468×57 mm., parts of ca. 56 lines (*ut vid.*).

Offsets in inner margins:

(p. 18) 277×14 mm., parts of ca. 34 lines and 105×17 mm., parts of ca. 14 lines

(p. 34) 52×13 mm., parts of ca. 7 lines and ca. 267×ca. 15 mm., parts of ca. 33 lines

(p. 58) 91×20 mm., parts of 12 lines and 292×16 mm., parts of 35 lines.

(p. 75) 91×14 mm., parts of 11 lines and (from another strip?) parts of 15 lines.

(p. 113) 137×15 mm., parts of ca. 17 lines

"MS. 2": Unidentified text. Saec. XI. Bari type.

(p. 152) 2 fragments pasted to the inner margin, 82×14 mm., parts of 9 lines and 374×ca. 15 mm., parts of ca. 35 lines (from the top of a leaf).

*Bibl.*: Salvati, 240.

**fondo Capitolo e Clero della Chiesa Cattedrale Polignano, Inventario dei censi 1553**, cover and binding fragment. *Vitae sanctorum*. Saec. XII<sup>1</sup>. Presently (May 1998) serving as the cover is a mutilated and damaged folio (Basili), 326×ca. 275 (292×ca. 180) mm., 2 cols., 30 lines surviving. A damaged strip, 90×39 mm., parts of 9 lines, from the edge of a leaf (unidentified text), reinforces the binding between unnumbered fols. 41v and 42r. (*Cristiana Guarnieri*)

**S. N. Vitae sanctorum (Sabinae v. Trecis [B.H.L. 7408]; Ambrosius Autpertus, Sermo in Purificatione sanctae Mariae 8; Blasii [B.H.L. 1376])**. Saec. XIII. A mutilated and damaged bifolium, 346×231 (252×195) mm., 2 cols., 24 lines surviving. Formerly used as the cover of a marriage register for the years 1572–1621 (fol. 2r: "Liber coniugatorum" and "Matrimonii / dal 1572 al 1621"). Other fragments of the same Beneventan manuscript presently (May 1998) reinforce the binding of Monopoli, Archivio Unico Diocesano B 27 (*The Beneventan Script*, 58; see also p. 388 below).

## MONTEPULCIANO

**Biblioteca Comunale: S. N. Missale** (Dom. 12–14 p. Pent.; Decoll. Iohannis–Nat. B.V.M.). Saec. XIII. 2 folios, each folded in two, presently (June 1999) serve as the front and back flyleaves of a

lectionarium in humanist writing saec. XV; max. 284 × ca. 210 mm., 2 cols., 32 lines surviving. (*Gabriella Pomaro, Marco Palma*)

## NAPLES

### Biblioteca Nazionale

VI B 4, binding fragments. Gregorius Magnus, *Homiliae in evangelia* 40.3. Saec. XII (revised date). A scrap used to reinforce the bottom of the outermost bifolium of a quire (fols. 152r, 159v): 81 × 129 mm., 1 of 2 cols., parts of 3 lines, from the lower part of a leaf. A few small pieces of an unidentified text in Beneventan saec. XII are used to reinforce the upper and lower clasps (both now missing) on the front cover: 45 × at least 17 mm., parts of 5 lines (upper clasp); 45 × ca. 16 mm., parts of 5 lines (lower clasp). Other fragments of the same manuscript are in London/Oslo, The Schøyen Collection MS 64 (p. 387 below; Brown II, 602 [x], and III, 345) and Naples, Biblioteca Nazionale VI B 1 (Brown II, 607, under VI B 1 [ii]), VI B 10 (see p. 361 below), and XV AA 1 (*The Beneventan Script*, 104). The main manuscript contains Augustinus, *Enarrationes in Psalmos* 1–78, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to the inside front cover).

VI B 5, binding fragments. Strips from two Beneventan manuscripts used to reinforce the binding of several folios in quires 31 (fols. 227–234) and 32 (fols. 235–240): 5 fragments contain the *Vita s. Petri Alexandrini* (B.H.L. 6692) in the Bari-type of Beneventan saec. XII in. and come from the same manuscript as Naples, Biblioteca Nazionale VIII B 6 (*The Beneventan Script*, 103),<sup>11</sup> the fragments in Berlin, Staatsbibliothek zu Berlin—Preussischer Kulturbesitz Lat. fol. 936 (*The Beneventan Script*, 24, and Brown II, 608), London/Oslo, The Schøyen Collection MS 65 (Brown III, 316), and Naples, Biblioteca Nazionale VI B 9 (Brown II, 607–8, and III, 316, 347–48); 1 fragment (Gregorius, *Homiliae in evangelia* 37.5–6) is from the same *Homiliarium* in Beneventan saec. XII (revised date) as the flyleaves in Berlin, Staatsbibliothek zu Berlin—Preussischer Kulturbesitz Lat. fol. 936 (*The Beneventan Script*, 24), London/Oslo, The Schøyen Collection MS 64 (p. 387 below; Brown II, 602 [x], and III, 345), Naples,

<sup>11</sup> MS VIII B 6 contains saints' lives. According to a fifteenth-century "Tabula sanctorum huius libri" added on fol. 236vb at the conclusion of the *Vita Dorotheae*, the codex began at that time with "Sancti petri alexandrini episcopi et martyris." These leaves are now missing. Palaeographical and codicological data confirm that all the fragments of the *Vita Petri ep. Alexandrini* enumerated above are the remnants of the now missing quaternion(s).

Biblioteca Nazionale VI B I (Brown II, 607 [ii]), VI B 10 [see below], and XV AA 1 (*The Beneventan Script*, 104). Measurements of the new fragments in MS VI B 5:

(i) Vita s. Petri ep. Alexandrini

(a) 95–99×59 mm., parts of 13 lines surviving; pasted upside down around the fold at the top of fols. 227r and 234v (=PL 129:697B).

(b) 117×67 mm., parts of 2 cols., 12 lines surviving, from the upper part of a leaf; pasted upside down around the fold at the top of fols. 228r and 233v (=PL 129:696C, 697A–B).

(c) 221×ca. 65 mm., parts of 24 lines surviving, from the lower part of a leaf; pasted upside down around the fold at the bottom of fols. 235r and 240v (=PL 129:697B–D).

(d) 107×76 mm., parts of 10 lines, from the upper part of a leaf; pasted around the fold at the top of fols. 236r and 239v (=PL 129:695D–696A).

(e) 101×50 mm., parts of 11 lines surviving, from the upper part and outer edge of a leaf; pasted upside down around the fold at the top of fols. 237r and 238v (=PL 129:694A).

(ii) Gregorius, Homiliae in evangelia 37.5–6

112×ca. 78 mm., parts of 12 lines surviving, from the outer edge of a leaf; pasted around the fold at the top of fols. 235r and 240v.

The main manuscript contains Augustinus, *De civitate dei*, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate formerly pasted to the inside front cover).

VI B 6. Augustinus, *Tractatus in Iohannem*, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to the inside front cover). In Beneventan saec. XII<sup>2</sup> are

(a) fol. ii<sup>v</sup> (capitula): 454×315 (403×256) mm., 4 cols., 52 lines;

(b) fol. 1r (6 lines of Beneventan added below the title of the main work contain the pericope for the first tractate);

(c) fol. 207v (capitula): 452×320 (355×ca. 110) mm., 40 lines.

VI B 10. Remigius Autissiodorensis, *Commentarius in Matthaeum*, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to inside front cover). Written in ink on the inside back cover: “Al Sig<sup>r</sup> Gioseppe Lombardo / Troia.” The manuscript was restored at Grottaferrata in 1972, and the two Beneventan fragments now mounted on fol. I (front flyleaf) were presumably removed at that time. Respective measurements (from top to bottom):

(i) Gregorius Magnus, *Homiliae in evangelia* 40.2. Saec. XII. 62×110 mm., parts of 5 lines, from the upper part of a leaf. For other fragments from the same manuscript, see above under NAPLES VI B 4.

(ii) Homiliarium (Ps.-Augustinus, *Sermo* 186.1–2). Saec. XI<sup>2</sup> (revised date). 58×67 mm., parts of 5 lines, from the lower part of a leaf. Other fragments of the same manuscript are in London, Christopher de Hamel Collection 260 (Brown III, 315) and London/Oslo, The Schøyen Collection MS 67 (p. 387 below; Brown II, 601 [iii] and Brown III, 346); still other fragments from the same codex are binding scraps removed from Naples, Biblioteca Nazionale VI B 1 (Brown II, 607 [i]), VI B 9 (Brown III, 347–48), VI B 12 (Brown II, 624 and now identified as Gregorius Magnus, *Homiliae in evangelia* 30.6), VI E 41 (Brown II, 607, 608 [i]), XV AA 1 (Brown I, 265 [“Homiliarium, saec. XI<sup>2</sup>”], and III, 348), VI C 10 (see the next entry), and XV AA 2 (see below).

VI C 10. Gregorius Magnus, *Homiliae in Ezechiel*, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to fol. Iv). The manuscript was restored at Grottaferrata in 1972, and the three fragments in Beneventan saec. XI<sup>2</sup> now mounted on fol. II (front flyleaf) were presumably removed at that time. Respective measurements and contents (from top to bottom) are

(i) Gregorius Magnus, *Homiliae in evangelia* 29.2–3. 86×ca. 130 mm., parts of 6 lines, from the upper part and outer edge of a leaf.

(ii) Augustinus, *Tractatus in Iohannem* 93.1. 77×119 mm., parts of 5 lines, from the outer edge of a leaf.

(iii) Unidentified text (hair side: “sancto. De\_\_”; flesh side: “tra sin\_\_”). 62×max. 85 mm., part of 1 line, from the lower part of a leaf.

For other fragments from the same Homiliarium, see immediately above under VI B 10 (ii).

VI E 20, binding fragments. Ambrosius, *Expositio psalmi CXVIII* 22.26–27, 27–29. Saec. XII (*ut vid.*). 6 Beneventan fragments of varying shapes and sizes used to reinforce the binding of several bifolia come from two originally consecutive leaves. The first leaf is represented by a scrap, 48×ca. 20 mm., parts of 6 lines, which is pasted around the top of fols. 227r and 236v. The second leaf consists of 5 strips which join to form a fragment measuring 189×ca. 94 mm., parts of 25 lines, from the upper part of a leaf; the textual order of the strips is 161r+170v, 224r+223v, 225r+222v, 226r+221v, 235v+228r. At least 1 scrap of an unidentified text in Beneventan (undetermined date) is used

to reinforce the lower clasp (now missing): 34×at least 20 mm., parts of 3 lines (*ut vid.*). The upper clasp, still intact, is reinforced with parchment that is mostly covered with leather; the few visible traces of script suggest that it is probably Beneventan. The main manuscript contains a *Breviarium Ordinis Minorum Fratrum secundum consuetudinem Romanae Ecclesiae*, in Gothic writing saec. XIII ex. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to the inside front cover).

**VI G 9 (1–8 frammenti beneventani).** Homiliarium. Saec. XI (*ut vid.*).

16 strips, of which 8 are in Beneventan, formerly used for purposes of binding and removed presumably when the volume was restored at Grottaferrata in 1974 (label pasted to the inside back cover). The Beneventan strips, numbered 1–8, are heavily damaged; measurements of no. 1 (the most legible): 339×41 mm., parts of 31 lines. Nos. 3 and 1 appear to be the remnants of two columns from the same leaf containing Augustinus, *Sermo* 202.2–4 and Beda, *Homiliae in evangelia* 1.15 (hair side [recto]). Nos. 5+4+7 join to form a fragment measuring 330×112 mm., 29–32 lines (flesh side: Ps.-Beda, *Commentarius in Iohannem* 2:3–6). In May 1998 the 16 fragments were kept separately in a manila envelope labelled “frammenti (n. 16)” and placed inside an orange envelope labelled “MS. VI . G. 9.” The main manuscript contains a *Missale Romanum*, in Gothic writing. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate, once pasted on the inside front cover, is now found on the verso of the front flyleaf numbered 1).

**VII A 14.** Remigius Autissiodorensis, *Commentarii in epistulas Pauli*; and Beda, *De tabernaculo*, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to the inside front cover). Contemporary Beneventan marginalia on fols. 60v, 64v, 67r–v, 70r (?), 73r–v, 75v, 78v, 84r, 86r, 93v, 94v, 95r–v, 103r, 105v, 112r, 113r–v, 117r, 118v, 119r.

**VIII AA 32,** fols. 2–5 (for the main manuscript [provenance: Sulmona], in fifteenth-century writing, see Cenci, 2:798). Palimpsest; lower script of fols. 2r–v, 3v–4r, 5r–v, now vigorously erased, comes from apparently two manuscripts in Beneventan:

- (i) (fols. 2r–v, 5r–v) Unidentified text written parallel to the upper text. Saec. X ex. (*ut vid.*). 205×141 mm., 2 cols., 17 lines surviving;
- (ii) (fols. 3v–4r) Liturgica written at right angles to the upper text. Saec. XI. 278×207 mm., 2 cols., ca. 24 lines surviving.



The lower text on fols. 3r and 4v written in ordinary minuscule at right angles to the text is presently unidentified. 13 long lines in Beneventan saec. XII are now mostly erased; they contain various entries, including the "Ave Maria" and "Pater noster" (twice).

**XII A 16**, binding fragments. Unidentified text. Saec. XII (?). Several small fragments used to reinforce the upper and lower clasps on the front cover: height ca. 38 mm., part of 1 line visible (upper clasp, mostly intact); ca. 39×at least 25 mm., parts of 4 lines (lower clasp, now mostly missing). The main manuscript contains Gratianus, Decretum, in Gothic writing saec. XIII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia (bookplate pasted to the inside front cover). *Bibl.*: *BMB* 5:5. (Mauro Lenzi)

**XII F 12**, pastedown. Liturgica, cum neumis (CAO 6390, *inc.* "Deus sedem daut patris sui . . ." cum versiculo diverso "Aue maria gratia plena. Dominus tecum"). Saec. XII. 2 lines at the top of a leaf, 212×149 mm., pasted (hair side down) to the inside back cover. Below the second line, another hand has added the beginning of CAO 3902 or 7224 ("Non auferetur"). For the main manuscript (provenance: probably Penne, Convento di S. Maria di Colleromano) in fifteenth-century writing, see Cenci, 2:894–95.

**XII G 4**, back flyleaf. Homiliarium (Fulgentius ep. Rusp., Sermo 6.5–7; Augustinus, Sermo 202.1–2). Saec. XI. Upper part of a leaf, 142×113 (132×113) mm., parts of 2 cols., 17 lines surviving. For the main manuscript (provenance: L'Aquila, Convento di S. Bernardino) in fifteenth-century writing, see Cenci, 2:913–14.

**XII G 9**, front and back flyleaves. Antiphonale (back flyleaf, Iohannis ap.). Saec. XI. 2 fragments, mostly erased:

- (i) (front flyleaf) 139×112 mm., parts of 6 long lines of musical text, script visible only on the flesh side, from the lower part of a leaf;
- (ii) (back flyleaf) 137×109 mm., parts of 7 long lines of musical text, script partly legible on the hair side.

Ex libris: (fol. 2r) "Questo libro .e. dello loco de Sancta Maria de/llo romano de ciuita de Pene"; (fols. 202v, 324r) "Iste Liber Pertinet ad locum Pinne"; (fol. 289v) "Iste Liber pertinet ad Locum Ciuitatis Pinne." For the main manuscript (provenance: Penne, Convento di S. Maria di Colleromano) in fifteenth-century writing, see Cenci, 2:920–21.

**XV AA 2**, binding scraps. Homiliarium. Saec. XI<sup>2</sup> (revised date). 3 scraps used to reinforce the binding of fols. 165r and 170v (the outermost bi-

folium of the quire). Respective measurements and contents (from top to bottom):

(a) (upper fragment, pasted sideways) Homiliarium (Ambrosius in Lucam 5.13; Leo Magnus, Tractatus 76.2), ca. 96×42 mm., parts of 10 lines;

(b) (middle fragment, pasted sideways and touching the lower fragment) Unidentified text (scant traces remaining), 16×max. 22 mm., parts of 2 lines;

(c) (lower fragment) Augustinus, Tractatus in Iohannem 26.8–10, 296×ca. 81 mm., parts of 31–32 lines.

For other fragments from the same Homiliarium, see above under NAPLES VI B 10 (ii). The main manuscript contains Vetus Testamentum et Novum Testamentum, in ordinary minuscule saec. XII. Provenance: Emilio Jacopo Cavalieri, bishop of Troia.

**Legature distaccate 18.** Breviarium, cum neumis (Sabb. p. Dom. 3 Adv.–Dom. 4 Adv.). Saec. XIII/XIV. 1 large folio, trimmed and cut in two so that parts of two lines of text have been lost as well as some letters at the beginning or ends of lines in one column: (upper part) 219×295 (219×260) mm., 2 cols., 15 lines; (lower part) 220×297 mm., 12 lines. Estimated height of original written space: ca. 425 mm. Removed from an unknown small volume where the fragments formerly served as a pastedown and front flyleaf and a pastedown and back flyleaf. Apparently from the same manuscript as Naples, Biblioteca Nazionale XII F 17, front flyleaf (Brown II, 608). (*Angela Pinto*)

**Legature distaccate 19.** Antiphonale (Luciae). Saec. XII. 1 folio presently (June 1997) pasted flesh side down to a wooden cover, 291×232 (226×ca. 170) mm., at least 14 lines of musical text. Found among the loose fragments of Scaffale XXIII. (*Maria Rosaria Grizzuti*)

**Legature distaccate 20.** Vetus Testamentum (Gen 43:29–32; 44:1–5, 9–13, 17–20). Saec. XI ex. Part of a leaf, cropped in the inner margin so that part of the text is missing, 152×243 mm., 2 cols. (width of complete col. 106 mm.), 14 lines surviving. Formerly used for binding purposes, with the hair side (verso) presumably on the outside. Found in an envelope labelled “cassaforte n.º 9.” (*Angela Pinto*)

**Biblioteca Universitaria: Rari 133,** cover. Antiphonale (Comm. unius conf.). Saec. XIII ex. 1 folio, hair side uppermost, at least 376×at least 242 mm., 9 long lines of musical text visible; the other side is completely covered by a paper pastedown. Presently (May 1998) serving as the cover of a printed book (Giacomo Meloro, *Prediche*

[Naples, 1577]). Ex libris: (fol. i<sup>r</sup>) "Ad usum fratris Joannis Furrensis (uel Furten-) cappellani prouinciae Naeapolitanae. 1578"; (title page) "Applicato alla Libreria di S. Effremo Vecchio." *Bibl.*: G. Zappella and E. Alone Improta, *Le cinquecentine napoletane della Biblioteca Universitaria di Napoli* (Rome, 1997), 254, no. 75.

## NARNI

**Biblioteca Diocesana:** Cinq. 135, binding fragment. Sacramentarium (Fer. 4 Caput Quadr.–Fer. 5). Saec. XI/XII. 4 scraps are presently (May 1999) used to reinforce the binding of a printed book (Thomas Aquinas, *Quaestiones disputatae* [Venice, 1555]); the lowermost scrap is in Beneventan, 80×63 mm., parts of at least 13 lines. Ex libris (fol. 1r): "Biblioteca Vescovile Terni" (stamp). (*Fabrizio Mastroianni*)

## NORCIA

**Archivio Storico Comunale:** fondo Notarile, prot. 236, covers. Missale (Fer. 3–4 hebd. 4 Quadr.). Saec. XI ex. 3 Beneventan fragments presently (May 1997) serving as the inside covers of a volume of notarial records for the years 1511–18 (*not.* Pierantonius ser Alberti de castro Riuifrigidi districtus Nursie): the two larger fragments join to form a mutilated bifolium, formerly the innermost of the quire, with 1 folio measuring ca. 389×272 (ca. 267×ca. 180) mm., 2 cols., 27 lines; a strip, 217×70 mm., with traces of the shaft of a decorated majuscule letter in Beneventan (*ut vid.*), is sewn between the larger fragments. *Bibl.*: G. Baroffio et al., eds., *Colligere fragmenta ne pereant. Aspetti della liturgia medievale nei frammenti dell'Archivio Storico Comunale. Mostra documentaria. Norcia-Rocca della Castellina, 15 luglio–31 dicembre 1997* (Norcia, 1997), 12 and plate on p. 13. (*Giacomo Baroffio*).

## OLOMOUC

**Státní vedecká knihovna** (Our knowledge of these items is owing to *Prof. Hartmut Hoffmann*; they are described briefly by M. Boháček and F. Čáda, *Beschreibung der mittelalterlichen Handschriften der Wissenschaftlichen Staatsbibliothek von Olmütz*, rev. F. and M. Schäfer, ed. H.-B. Harder and H. Rothe [Cologne, 1994].)

**M I 238**, front and back flyleaves+**M I 309**, front and back flyleaves. Iustinianus, Institutiones I.10.13–11.8 (**M I 238**, front flyleaf); 1.23.3–25, praef. (**M I 238**, back flyleaf); IV.1.6–12 (**M I 309**, back flyleaf); IV.3.16–4.2, 3–7 (**M I 309**, front flyleaf). Saec. XII. 4 folios, trimmed at the top and/or bottom, max. 218×151 mm., 23–30 of an original 31 lines surviving. Presumably these fragments are the items

listed as missing in Brown I, 284–85 under **OLOMOUC**. For the main manuscripts, see Boháček-Čáda, 135–36, 251–52. Other fragments from the same Beneventan manuscript of the *Institutiones* are Vienna, Österreichische Nationalbibliothek 3495, front and back flyleaves (2 folios containing *Institutiones* IV.7.5a–7, 8–8.5; IV.15.4a–16 praef.) and Ser. n. 11928 (a bifolium containing *Institutiones* 1.11.8–12.5; 1.21, praef.–23.3); see *The Beneventan Script*, 172.

- M II 118, front and back flyleaves. Isidorus, *Etymologiae* 1.37.22–32, 39.14–24, with lacunae (back flyleaf); 2.25.4–27.1, 28.4–29 *titulus*, with lacunae (front flyleaf). Saec. XII. 2 folios, max. 297×100 mm., 1 of 2 cols., 44–46 lines surviving. For the main manuscript, see Boháček-Čáda, 458–60.

### OSLO—LONDON

The Schøyen Collection (Our knowledge of these items is owing to Dr. Martin Schøyen who kindly provided additional, detailed information.)

- MS 1919. Homiliarium (Gregorius Magnus, *Homiliae in evangelia* 31.2–4; *ibid.* 4–5). Saec. XIII. 1 mutilated folio, 396×max. 280 mm. (280×ca.200) mm., 2 cols., 25 lines. Acquired in 1995 from Sam Fogg. *Bibl.: Text Manuscripts and Documents from 2200 BC to 1600 AD. Catalogue 16. Sam Fogg. Rare Books* (London, 1995), p. 32, lot 24 and plate (hair side [recto], much reduced) on p. 33. (Dr. Joseph Pope and Dr. Melissa Conway also brought this item to my attention and supplied photocopies of the catalogue description.)

- MS 2204. Sacramentarium, cum neumis (Canon missae; Proprium de tempore a Dom. Pasch. [cum praef.] usque ad Dom. 4 p. Pasch.). Saec. XII in. Bari type. 3 textually consecutive bifolia, trimmed and formerly occupying the second, third, and fourth positions in a quaternion (*ut vid.*); 1 folio measures 234×160 (210×95) mm., 21 lines. *Bibl.: Christie's. Valuable Printed Books, Music and Manuscripts. London, Wednesday 26 June 1996 at 10.30 a.m. and 2.30 p.m.*, lot 12 and plate (“fols. 11v–12r,” reduced) on p. 20. (Dr. Melissa Conway also brought this item to my attention and supplied photocopies of the catalogue description.)

- MS 2370, binding fragments. Sacramentarium (Pro devotis; Pro infirmis). Saec. XI/XII. 4 strips are presently (July 1997) used to reinforce the binding of a printed book (Marcus Terentius Varro, *Opera quae supersunt* . . . [Geneva, 1573]). The lowermost strip does not exhibit any writing. Respective measurements of the other strips (from top to bottom): (a) 30×95 mm., parts of 2 lines (unidentified text); (b) 43×80

mm., parts of 6 lines; (c) 39×99 mm., parts of 6 lines. Ex libris (title-page): "Cat(alogo) insc(riptus) C(ollegij) R(omani) B(ibliothecae) S(ecretae); "Colleg. Rom. Soc. Iesu"; "Bibl. M. M. ad us(um) Philcj. C. Rom."; "Collegium S<sup>i</sup> Josephi. Spring Hill" (stamp). Acquired in 1997 from Phillip J. Pirages. *Bibl.*: Pirages' catalogue 37 (April, 1997), lot 437 (where the printed book is described without reference to the binding fragments in Beneventan).

## PADUA

**Guido Billanovich Collection:** S. N., binding fragments. Ps.-Iohannes Chrysostomus, *Opus imperfectum in Matthaeum* 35 (PG 56:826, 826–27). Saec. X/XI. 2 strips presently (June 1998) used to reinforce the binding of a printed book (Bonaventura, *Commentarius in I librum Sententiarum* [Brescia, 1490]=Hain 3537) join to form a fragment measuring 217×206 mm., parts of 2 cols. (width of complete col. 90 mm.), 20 lines surviving (hair side [recto]). Ex libris: (outside front cover) "Paolo Emilio benedetti"; (fol. i<sup>r</sup>) "Hic liber Nicolai Octauiani Corinaldensis" (*canc.*) and "Nicolai Benedicti" (*canc.*); (fol. 1r) "Ex libris Nicolai Octauiani Corinaldensis"; (verso of last folio, unnumbered) "Nicolai Benedicti." Acquired in November 1962 by the present owner from the Libreria dell'Impero, Rome. (*Guido Billanovich*)

## PALERMO

**Biblioteca Centrale della Regionale Siciliana:** XIV. H. 21. Orationes (?; Oratio cotidiana). Saec. XII. 8 scraps formerly used to reinforce the binding of a printed book (Antiqua CA.III.1: Nicolaus Clenardus, *Tabulae in grammaticam hebraeam* [Cologne, 1555]); presumably removed when the volume was restored in 1993 by Grazia Visalli, Palermo. Respective measurements (from top to bottom):

(a) 4 scraps pasted to the former front flyleaves; traces of Beneventan writing are seen on the uppermost scrap only, 24×17 mm., parts of 4 lines.

(b) 4 scraps, of which 3 are in Beneventan, pasted to the former back flyleaves; the 3 scraps join to form a fragment measuring 35×99 mm., parts of 4 lines.

Ex libris (title-page and last page of Hebrew text): "Ex Bibl. / Cong. Orat. Pan." (*Carlo Pastena*)

## POPPI

**Biblioteca Comunale Rilliana**

**Inc. 229,** binding fragments. Medica. Saec. X. 4 scraps are presently

(June 1998) used to reinforce the binding of a printed book (Juvenal, *Satirae* [n.p., 1509]). The lowermost scrap is in Beneventan; originally a single fragment from the upper part of a leaf, it now consists of two pieces: (a) (pasted to the front inside cover and partly hidden by a paper pastedown) 59×at least 57 mm., parts of 3 lines; (b) (pasted to the back inside cover) 62×47 mm., parts of 3 lines. Ex libris: (paper label pasted to the inside front cover) "X / G. N. / IV. 3," with the stemma of Camaldoli; (paper label pasted to the inside front cover) "Inscriptus catalogo / bibliothecae / S. Eremi Cam. an. 1856. / P.VII C.(?)B N.28"; (title-page) "Cama.<sup>di</sup> G. IV."

Inc. 621, binding fragments. Vitae s. Mauri discipuli s. Benedicti (B.H.L. 5773). Saec. XI<sup>2</sup>. 2 scraps presently (June 1999) used to reinforce the binding of a printed book (Apuleius, *Metamorphoses* [Bologna, 1500]) join to form a fragment measuring 78×99 mm., parts of 4 lines. Ex libris (fol. a<sup>r</sup>, unnumbered): "Cav(alie)re Orsini Rilli / 1811."

S. N., binding scraps. Missale, cum neumis (Invent. Michaelis, cum praef.). Saec. XII. 4 scraps presently (June 1998) used to reinforce the binding of a printed book (Mattheus Sylvaticus, *Opus pandectarum medicinae* [Lyons, 1534]) join (b+d+c+a) to form a fragment measuring 278×145 (247×105) mm., 27 lines surviving. Ex libris: (outside front cover) "Libro de D. mauro \_\_\_\_\_"; (fol. i<sup>v</sup>, paper label) "M / G. N. / IV. 15," with the stemma of Camaldoli; (title-page) "Inscr(ip-tus) / Catal(og)o / S(acrae) E(remi) C(amaldulensis) / G / V-9." (*Alessandro Vitale-Brovarone, J.-P. Gumbert*)

## RIETI

Archivi Unificati della Curia Vescovile: fondo Archivio Capitolare, Camerlengato, Registro 1606. Homiliarium (Beda, Homiliae in evangelia 1.24; Ephrem, Sermo in Transfigurationem Domini = CPL 1150). Saec. XI<sup>2</sup>. Bari type. A damaged bifolium, stained on all sides, 360×ca. 277 (295×ca. 205) mm., 2 cols., 32 lines. Presently (May 1999) serving as the cover of a register for the year 1606.

Archivio di Stato (the shelf marks given below are provisional; new shelf marks may be assigned when the final inventory is completed).

### fondo Archivio Notarile

Collevocchio 12, cover. Antiphonale (Fer. 6 in Parasceve). Saec. XIII. 1 damaged folio, trimmed on all sides, 287×216 (261×ca. 165) mm., 12 lines of musical text. Formerly serving as the cover, flesh side (verso) outside, of a volume of notarial records for the years 1511–54 (*not.*

Marco Prete); now (June 1999) removed and kept separately.

**Fara in Sabina 111**, cover. Antiphonale (Nat. B.V.M.). Saec. XIII ex. Upper part of a leaf, 331×228 (at least [estimated] 263×ca. 175) mm., 7 of at least 8 lines of musical text surviving. Formerly serving as the cover, flesh side (recto) outside, of a volume of notarial records for the years 1564–68 (*not.* Bernardinus Basilicus, active at Salisano 1550–73); now (June 1999) removed and kept separately.

**Fara in Sabina 153**, binding fragment. Beda, Homiliae in evangelia 2.7. Saec. XII. A strip, ca. 270×47 mm., parts of 29 lines, from the lower part of a leaf (hair side [recto]). Formerly used to reinforce the spine on the inside of a volume of notarial records for the years 1565–74 (*not.* Ercole Marini, active at Monte S. Maria); now (May 1999) removed and kept separately.

**Fara in Sabina 197**, cover. Missale (Dom. 2–4 p. Pent.). Saec. XI ex. 1 folio, damaged on the flesh side (recto), ca. 373×285 (280×195) mm., 2 cols., 28 lines. Formerly serving as the cover of a volume of notarial records for the years 1575–84 (*not.* Bernardinus Avicenda, active at Salisano 1575–90); now (June 1999) removed and kept separately.

**Poggio Mirteto 13**, binding fragments. Vitae sanctorum (Theclae [B.H.L. 8022]; Caeciliae [B.H.L. 1495]). Saec. XII. 2 strips, badly damaged on the flesh side (verso), join to form the lower part of a leaf, max. 135×206 (86×198) mm., parts of 2 cols. (width of complete col. 91 mm.), 7–9 lines. Formerly used to reinforce the outer edge of a volume of notarial records for the years 1608–12 (*not.* Paulus Zonerolus, active at Nazzano); now (May 1999) removed and kept separately.

**Rocca Sinibalda 64**, cover.<sup>12</sup> Registrum documentorum monasterii S. Sophiae, doc. 123–124. Saec. XII. 1 mutilated folio, damaged on the flesh side (recto), ca. 310×221 (229×115), 39 lines. Formerly serving as the cover of a volume of notarial records for the years 1532–41 (*not.* Antonellus Fabri); now (June 1999) removed and kept separately.

#### fondo pergamenaceo

**Album 33, pezzo 53**. Vetus Testamentum (Prov 29:12–30:16; Sap 3:11–4:16). Saec. XII ex. A damaged bifolium, perhaps the second outermost of a quaternion, 323×220 (240×ca. 151) mm., 2 cols., 25 lines. Formerly serving as the cover, flesh side (recto) outside, of a volume of notarial records for the years 1527–41 (*not.* Nicolaus de Finuciis, active at Rivodutri 1527–70). (*Fabrizio Mastroianni*)

<sup>12</sup> I am currently preparing an edition and study of this fragment.

670/A. Patristica (?). Saec. XI/XII. A rectangular scrap, 83×116 mm., parts of 2 cols., 6 lines surviving, from the lower part and edge of a leaf. Removed from a volume of the Archivio Distrettuale di Rieti for the year 1570 (*not.* Antonio Sanizi, active at Rieti 1559–1611). (*M. Giacinta Balducci*)

#### RIVERSIDE (California)

California Baptist College, Annie Gabriel Library, P. Boyd Smith Hymnology Collection: S. N. Missale, cum neumis (Cyriaci, Largi, Smaragdi–vig. Laurentii). Saec. XII in. 1 damaged and mutilated folio numbered “ccxvi” (*ut vid.*) on the flesh side (recto), 252×175 (195×ca. 110) mm., 29 lines. Formerly used as a cover, with various notarial entries on the recto. Other fragments previously located from the same manuscript are in Charlottesville, Leiden, London/Oslo, New York, Oberlin, and Rome (see Brown III, 332); another new fragment is described on p. 382 below under WACO. For the rediscovery of the Chicago leaf (reported as missing in Brown I, 279, and III, 342), see p. 384 below. (*Melissa Conway, Robert G. Babcock*)

#### ROCCARAINOLA

Archivio Domenico Capolongo Collection: FO124 ACR. Ambrosius Autpertus, Sermo in purificatione sanctae Mariae 6–11. Saec. XI in. A damaged bifolium, the innermost of the quire, 310×287 (272×ca. 230) mm., 2 cols., 31–33 lines. Formerly used as a cover. (*Domenico Capolongo*)

#### ROME

Archivio Capitolino: Archivio Orsini, 2<sup>a</sup> Serie, no. 821, cover. Vetus Testamentum (3 Reg 2:40–3:21). Saec. XII. 1 folio, trimmed so that at least one letter of text has been lost; 329×210 (309×189) mm., 2 cols., 28 of an original 30 lines surviving. Presently (June 1996) serving as the cover of a volume containing various payments for the years 1578–83. (*Cristina Carbonetti*)

Biblioteca Franciscana dei Frati Minori Conventuali, Ss. XII Apostoli: R/b 130, binding fragments. Homilia in Matthaeum 6:24 ff. *vel* in Lucam 12:22 ff. Saec. XI. 2 strips presently (April 1998) used to reinforce the binding of a printed book (Oswaldus Pelbartus, *Pomerium sermonum de sanctis, pars hyemalis* and *Pomerium sermonum salutiferimorum de sanctis estiuiali tempore celebrandis* [Hagenau, 1509]) join to form a fragment measuring 96×212 mm., 2 cols. (*ut vid.*) (width of 1 col. at least 93 mm.), parts of 6 lines, from the lower part of a leaf.



Ex libris (title-page of the first work): "Jo(hannis) (?) fausti. fusti. Ulmi: sibi Amicis et Inimicis liber / Montis - Ulmi: 1567" (7 corr. ?). *Bibl.: BMB 4:5. (Marella Mislei)*

**Biblioteca Nazionale Centrale: 14. 23. Q. 13** (olim 14. 10. K. 2), binding fragments. Missale (Pro defunctis). Saec. XII. 4 scraps presently (May 1998) reinforce the binding of a printed book (Alexander Achillinus, *Opera omnia* [Venice, 1568]). The third and second fragments join to form a fragment from the bottom part of a leaf; 50×117 mm., 1 of 2 cols. (*ut vid.*) (width of 1 col. 83 mm.), 4 lines. The first and fourth fragments come respectively from the top and bottom of perhaps the same leaf as the other two fragments. Ex libris: (label pasted to the inside front cover) "Ex bibliotheca majori Coll. Rom. Societ. Jesu"; (title-page) "Collegij Rom. Soc. Iesu cathologo inscriptus"; "\_\_\_\_\_" (vigorously cancelled); "B(ibliothecae) S(ecretae)." *Bibl.: BMB 5:5. (Silvia Zappalà)*

**Biblioteca Vallicelliana** (Our knowledge of these items is owing to *dott.ssa Patrizia Formica.*)

ex **S. Borr. Q IV 254–255.** Cantica (?; Jer 17:8; Eccli 31:8–11; Eccli 39:17–21; Soph 3:14). Saec. XII<sup>2</sup>. 4 scraps join to form an irregularly shaped fragment measuring at least 211×101 mm., 18 of an estimated 20–21 lines surviving (flesh side [recto], *ut vid.*). Formerly used to reinforce the binding of two printed books (Sala Borr. A IV 254: Paulus de Palacio, *Enarrationes in sacrosanctum Iesu Christi evangelium secundum Matthaeum, prima pars* [Venice, 1571]; Sala Borr. A IV 255: idem, *Enarrationes . . . secundum Matthaeum, secunda pars* [Venice, 1571]); removed when the volumes were restored in 1971 by Perticaroli (entries on back inside covers) and now kept separately. Ex libris: (Sala Borr. Q IV 254, fol. iv<sup>r</sup>): "Libro del R(euerendo) P(ad)re Maestro F\_\_\_\_ / Alberto Posterla Priore in \_anna\_no" (*canc.*); (title-page) "Pietro Giacomo Bacci Aret."; (Sala Borr. Q IV 255, fol. iv<sup>r</sup>): "Pietro Giacomo Bacci Aretino."

ex **Tom. 21.** Homiliarium (Augustinus, Tractatus in Iohannem 82.3, 4; Gregorius Magnus, Homiliae in evangelia 27.1, 2, 3, 4, 5, 7). Saec. XII ex. Now kept separately are 4 scraps removed from Tom. XXI presumably when the manuscript was restored at Grottaferrata in 1970. 3 scraps (Gregorius Magnus, Homiliae in evangelia 27.1, 2, 3, 4, 5) join to form the lower part of the central bifolium of a quire, with 1 fragmentary folio measuring measuring 138×118 mm., parts of 2 cols. (width of complete col. ca. 65 mm.), 3 and 10–11 lines; the fourth

scrap (Augustinus, *Tractatus in Iohannem* 82.3, 4; Gregorius Magnus, *Homiliae in evangelia* 27.7), formerly the outermost bifolium of the same quire, measures ca. 130×130 mm., parts of 2 cols., parts of 11 lines. All 4 scraps are the remnants of the leaves originally preceding what is now fol. 155r (*inc.* Gregorius Magnus, *Homiliae in evangelia* 27.7 “-nat unde et subinde”) of Tom. XXI. Other membra disiecta in Tom. XXI of the same manuscript are fols. 118r–125v (Gregorius Magnus, *Homiliae in evangelia* 35, 9, 13; Ambrosius in *Lucam* 7.98).

- S. N. Vetus Testamentum (Deut 25:12–19, 26:1–5; 26:7–12, 13–17; 26:19–27:5, 6–15; 27:15–25, 26–28:9). Saec. XIII. 2 textually consecutive folios, 319×224 (228–238×163) mm., 2 cols., 24–25 of an original 29 lines surviving. These leaves originally formed part of Vallicelliana MS. A 15, *expl.* Deut 24:7 “de filiis israel et uendito” (*The Beneventan Script*, 126); 2 more folios (Deut 24:7–25:11; 28:11–13, 18–25, 26–29) at the Biblioteca Vallicelliana that are now detached from MS. A 15 were described in Brown II, 613.

#### SAN MARCO IN LAMIS

Biblioteca “P. Antonio Fania” del Convento di S. Matteo: S. N. Graduale (Dom. 2–Fer. 3 hebd. 2 Quadr.). Saec. XIII. 3 horizontal strips, of which 2 appear to be textually consecutive, come from the same leaf. Respective measurements (from top to bottom): 27×76 mm., part of 1 line of musical text; 66×157 mm., parts of 2 lines of musical text; 68×157, parts of 3 lines of musical text. Formerly serving as the *legatura interna* of a printed book (Bonaventura, *In secundum Sententiarum liber secundus* [Venice, 1562]) and presumably removed when the volume was restored ca. 1980 at S. Maria della Scala, Noci. Also part of the *legatura interna* was a parchment leaf with an Italian text, and this is still (January 1997) pasted over the extremities of the Beneventan strips. The ex libris on the title-page of the printed book has been vigorously erased. *Bibl.*: Salvati, 240–41.

#### SAN SEVERO

##### Biblioteca Comunale

- C 4 9, binding fragments. Unidentified text. Saec. XII. 4 strips, of which 2 display Beneventan, are presently (May 1999) used to reinforce the binding of a printed book (Francesco Panigarola, *Prediche sopra gl'evangelii di Quaresima* [Rome, 1596]). Respective measurements (from top to bottom):

(a) ca. 118×46 mm., scant traces of 2 lines, from the edge of a leaf

(hair side uppermost, with paper covering the flesh side);

(b) 122×50 mm., no writing visible (hair side uppermost, with paper mostly covering the flesh side);

(c) 45×120 mm., parts of 4 lines, from the lower part of a leaf (hair side uppermost and partly glued to the paper flyleaf);

(d) 122×62 mm., in Gothic writing.

Ex libris: (fol. i') "lascito Sac. Prof. S. Nittoli"; (fol. ii') "All'amat.mo Maestro e Amico / Prof. Salvatore Nittoli / offro oggi 17 ottobre 1906 / Sac. Michele Massa"; (title-page, stamps) "Bibliotheca / Sac. Salvatore Prof. Nittoli / Volume N.o 6984" and "Lascito Sac. Prof. S. Nittoli." *Bibl.*: Salvati, 241.

- C 11 12, cover. *Vetus Testamentum* (3 Reg 8:60–9:16). Saec. XII. 1 folio, damaged on the flesh side (verso), 405×271 (312×174) mm., 2 cols., 33 lines. Presently (May 1999) serving as the cover of a printed book (Johannes Cassianus, *De institutis coenobiorum* [Bologna, 1521]). Ex libris (title-page): "Del Luogo de' Cappucini di Trivento." *Bibl.*: Salvati, 241 and fig. 11.

## SEPINO

### Archivio parrocchiale di S. Cristina

- S. N. *Breviarium* (Fer. 6 hebdomadae. 1 Adv.; Dom. 2 Adv.). Saec. XIII. A bifolium, 444×656 (321×ca. 215) mm., 2 cols., 32–33 lines. Formerly serving as one of the covers of a register ("Inuentaria stabilium ecclesiae Collegii Insignis S. Christinae ciuitatis / Soepini anni 1571. et anni 1742 renouatam jussu Illustrissimi, ac / Reuerendissimi Domini D. Dominicii Antonii Manfredi, Diuina prouidentia / Episcopi Bojanensis, et Soepinensis, ac Pontif. Solii assistentis"); removed when the volume was restored in 1991 at the Archivio di Stato, Campobasso and now kept separately in a folder. (*Elisabetta D'Onofrio*)
- S. N. *Graduale* (Fer. 5–6 p. Dom. 4 Quadr.). Saec. XII/XIII. 1 folio (*ut vid.*), at least 10 lines of musical text. Formerly serving as one of the covers of the same register as the item immediately preceding; removed when the volume was restored in 1991 at the Archivio di Stato, Campobasso. This fragment, which has been missing for some time, could not be located in June 1998. The brief description given here is based on a consultation at the Archivio di Stato, Campobasso of the microfilm made before the volume was restored. (*Elisabetta D'Onofrio*).
- S. N., binding fragments. 5 scraps formerly reinforced the binding of a printed book (Pontificale, incomplete at beginning and end): offsets of the first two scraps, now missing, are indecipherable; the third scrap,

also missing, is represented by offsets of part of 1 line in Beneventan; the fourth and fifth scraps, damaged and stained, come from 2 leaves (*ut vid.*) and contain Gregorius Magnus, *Dialogi*, in Beneventan saec. XII<sup>2</sup>. Respective measurements of the fourth and fifth scraps: 199×52 mm., part of 1 of 2 cols., 21 lines surviving (*Dialogi* 2.19.1–2, 19.2–20; hair side [recto]); 70×51 mm., part of 1 of 2 cols., 2 lines, from the lower edge of a leaf (*Dialogi* 2.16.2, 7 [?]).

## SPLIT

**Dominikanski samostan** (Our knowledge of these items is owing to *Prof. Richard F. Gyug* who also supplied descriptions.)

**Ink. 9**, binding fragments. *Missa votiua in honore s. Crucis*. Saec. XIII (*ut vid.*). 2 scraps used to reinforce the binding of a printed book (Themistius Peripateticus, *Paraphrasis in Aristotelem*, trans. Hermolaus Barbarus [Venice, 1499]): the upper scrap, 47×50 mm., part of 1 line, is from the lower part of a leaf and contains the offertory; the lower scrap, 50×50 mm., parts of 4 lines, comes from another leaf and contains the collect. *Bibl.*: Brown II, 586; Š. Jurić and F. Šanjek, "Katalozi inkunabula crkvenih ustanova u hrvatskoj. II. Zbirka inkunabula dominikanskih knjižnica u hrvatskoj," *Croatica christiana periodica* 9 (1985): 188, no. 14.

**Ink. 12**, offsets. *Offsets in Beneventan saec. XII (?) containing Gregorius Magnus, Dialogi 2.2–3 are preserved on the inside front and back covers of a printed book (Petrus de Bergamo, Tabula operum Thomae Aquinatis [Venice, 1497]): (maximum written space, inside front cover) 260×218 mm., 2 cols., ca. 33 (?) lines. Bibl.*: Jurić and Šanjek, "Katalozi," 185, no. 11.

**Franjevački samostan—Poljud**: S. N. Missale (Dom. 2–3 p. Epiph.). Saec. XIII. 1 folio, trimmed and cut in two: 146×202 mm., parts of 2 cols. (width of complete col. 85 mm.), 13–14 lines; 145×202 mm., parts of 2 cols., 11–14 lines. Estimated measurements of written space: at least 336×183 mm., 2 cols., ca. 32 lines. Presently (October 1998) serving as the cover of a printed book containing miscellaneous Franciscan texts (*Bulla concordiae inter ministrum generalem totius ordinis s. Francisci et magistrum generalem Fratrum Conventualium eiusdem Ordinis* [Rome, 1517]; *Bulla unionis Fratrum Ordinis Minorum* [Rome, 1517]; *Statuta generalia Fratrum Minorum regularis observantiae* [Ferrara, 1523 and Venice, 1526]; *Ordinationes Fratrum Minorum seu Constitutiones Martini Papae Quinti* [Venice, 1529]). (Stanko Škunca).

## SPOLETO

## Archivio di Stato

fondo Archivio notarile (Our knowledge of these items is owing to *dott. Fabrizio Mastroianni*.)

1<sup>a</sup> serie, prot. 831+833+834, covers and binding fragments. Gregorius Magnus, *Moralia in Iob* 31.5.7–7.10, 9.14–11.16 (prot. 831); 31.28.60–32.68 (prot. 833+834); 33.14.29 (prot. 831, lower binding fragment); 34.15.28–29 (prot. 831, upper binding fragment). Saec. XI. Bari-type features. 3 bifolia and 2 strips:

(a) a bifolium (prot. 831), cropped at the top and at line-end of the outer column of one leaf; the conjugate and more complete leaf measures 351×max. ca. 283 (height 260) mm., 2 cols., 30 lines, with Roman numeral “xxxj” (for the book number) added by a later hand on the upper part of the recto. A strip of later parchment sewn over the spine hides most of the second column on the hair side (verso) of the more complete leaf. Presently (May 1997) serving as the cover of a volume of notarial records for the years 1551–59 (*not.* Hippolytus Octauui de Gallis de Spoleto).

(b) 2 strips, each folded in two twice, from the lower part of 2 folios: (upper strip) ca. 182×ca. 96 mm., parts of at least 18 lines; (lower strip) 200×97 mm., parts of 19 lines. Presently (May 1997) serving to reinforce the binding of prot. 831.

(c) 2 complete and textually consecutive bifolia (prot. 833+834), 350×276 (263×196) mm., 2 cols., 30 lines, with additions by later hands of Roman numeral “xxxj” on the upper part of the recto of both bifolia and two sets of foliation at the top right-hand corner of the recto (“30, <31>, <32>, 33,” below which is “123, 124, 125, 126”). Formerly serving as covers of two volumes of notarial records (*not.* Hippolytus Octauui de Gallis de Spoleto) for the years 1571–78 (prot. 833) and 1579–89 (prot. 834); now (May 1997) removed and kept separately.

Another fragment from the same manuscript is London/Oslo, The Schøyen Collection MS 1587: Gregorius Magnus, *Moralia in Iob* 31.45.89–91 (Brown III, 317).

2<sup>a</sup> serie, prot. 43, cover. *Consuetudines benedictinae* (Capitula aquisgranensia 61–74; *Memoriale qualiter* I). Saec. XI<sup>2</sup>. A bifolium, cropped diagonally from the middle to the lower part of the second leaf so that part of the text is missing; the conjugate and more complete leaf measures 264×186 (207×132) mm., at least 26 lines. Presently (May 1997) serving as the cover of a composite volume of notarial

records for the years 1457–58 (*not.* Marinus Philippus ser Iohannis ser Gregori de Cerreto) and 1471–86 (*not.* Colaüs Arcite de Murellis de territorio [?] Cerreti).

Misc. not. S. N. Vitae sanctorum (Valentini [B.H.L. 8460]; Faustini et Iovittae [B.H.L. 2837]). Saec. XII ex. A damaged and mutilated bifolium, ca. 300×200 (274×ca. 198) mm., 2 cols., at least 32 lines. Presently (May 1997) serving as the cover of a volume of notarial records for the years 1449–55 (*not.* Petrus Antonii de Castro Ciselli).

Archivio Storico Diocesano: S. N. Graduale. Saec. XI<sup>2</sup>. Bari type. 26 fragments of varying sizes from what appears to have been originally a complete manuscript; removed at an unknown date from unknown volumes in which they apparently served as pastedowns, binding reinforcements, etc. The fragments were discovered by don Giampiero Ceccarelli and deposited in the Scuola Europea di Formazione Specialistica per Conservatori e Restauratori di Beni Librari, Spoleto where they were restored and are presently (May 1999) kept. The largest fragment is no. 14: 196×127 mm., parts of 7 lines; complete width of written space (no. 5): 114 mm. (*Caterina Tristano*)

## STRONCONE

Archivio Storico Comunale: Notarile 37 (olim 297). Hieronymus, Tractatus 59 in psalmos 82–83. Saec. XI. A bifolium, of which only one side is in Beneventan, 345×256 (245×182) mm., 2 vols., 27 lines. The remaining 3 sides are written in contemporary romanesca. Presently (May 1997) serving as the cover of a volume of notarial records for the years 1482–90 (*not.* Simon ser Petri Colecte de Maceis de terra Stronconi). *Bibl.*: C. Mazzoli, *L'abbazia di San Benedetto in Fundis di Stroncone. Per una storia del monachesimo dell'Umbria meridionale* (Arrone, 1994), 41 (much reduced facsimile of the Beneventan text); G. Baroffio, C. Mastroianni, and F. Mastroianni, eds., *Frammenti di storia medioevale. Mostra di codici e frammenti di codici liturgici dei secoli XI–XVI dall'archivio storico del Comune di Stroncone. Stroncone 9–29 agosto 1998. Sala Consiliare Palazzo Municipale e Biblioteca Convento di S. Francesco* (Stroncone, 1998), 40 and plate 3 on p. 82.

## TARANTO

Biblioteca Arcivescovile: Cinq. P 14 3 (olim S. N.), binding fragments. Gregorius Magnus, Homiliae in evangelia 24.1, 2. Saec. XII/XIII. 4 strips presently (May 1999) used to reinforce the binding of a printed

book (Ippolito Chizzuola, *Discorsi* [Venice, 1562]) join to form a fragment measuring ca. 91 × at least 182 mm., parts of 2 cols., 10 lines. *Bibl.*: Salvati, 242.

## TERNI

**Archivio di Stato: Archivio Notarile Narni, busta 277, cover.** Homiliarium (Ps.-Augustinus, Sermo de natale s. Iohannis Baptistae [*expl.* “facili simplicitate peccatis”; = Machielsen 1376, 1655]; Augustinus, Sermo 293.1). Saec. XI. 1 damaged and mutilated folio, ca. 320 × 353 (ca. 294 × 240) mm., 2 cols., 32 lines surviving. Presently (May 1998) serving as the cover of a volume of notarial records for the years 1539–54 (*not.* Lelius Herculeus, active at Otricoli 1539–71). (*Fabrizio Mastroianni*)

**Biblioteca Comunale: 73 Cat. 79, binding fragments.** Regula s. Benedicti 51–53, cum lacunis. Saec. XI ex. Bari type. 4 scraps presently (May 1999) used to reinforce the binding of a printed book (Franciscus de Mayronis, *Sermones ab adventu cum quadragesimali usque ad quartam feriam post Pascha* [Venice, 1491]) join to form the upper part and edge of a leaf measuring at least 173 × ca. 81 mm., 1 of 2 cols., parts of at least 19 lines (hair side [*recto*]). Ex libris: (fol. ii') “J. Joseph. P.”; (title-page) “Bib(liothea) Con(ventus) S(ancti) F(rancisci) Interam” (stamp) and “J. Joseph. P.” (*Fabrizio Mastroianni*)

## TORREMACGIORE

**Biblioteca Comunale: Cinq. 37.** *Scant offsets of an unidentified text in Beneventan saec. XII ex. are preserved on fol. 382v of a printed book (Albertus Patavinus, In euangelia totius anni dominicalia inque euangelia sanctorum aliquot utilissimae conciones [Turin, 1529]). Faint traces of parts of at least 13 lines from perhaps 3 scraps; the first four lines are the most legible and may contain a reference to Mt 7:7 or Lc 11:9. The fragments, which formerly served to reinforce the binding, were presumably removed when the volume was restored and are now missing. Bibl.: Salvati, 242.*

## TROIA

**Archivio del Duomo: S. N., binding fragments.** Vetus Testamentum. Saec. XII<sup>2</sup>. 3 scraps presently (April 1997) used to reinforce the binding of a printed book (Donatus Marra, *Enarrationes in hymnos omnes qui cantantur in ecclesia per annun secundum morem S. Romanae Ecclesiae et ordinem breuiarii nuper editi* [Naples, 1578]) join to form an irregularly shaped fragment, 87 × 171 mm., parts of at least 16 lines.

The hair side (verso) is now uppermost and contains Is 5:6–11; on the flesh side (recto) of the third scrap parts of Is 4:5–6 are visible. *Bibl.*: Salvati, 242.

## VATICAN CITY

### Biblioteca Apostolica Vaticana

**Vat. gr. 974**, binding fragments. *Vitae sanctorum* (Felicitatis cum septem filiis [Gregorius Magnus, *Homiliae in evangelia* 3.4]; Iasonis et Mauri [B.H.L. 4140 f.]). Saec. XII ex. Bari type. 5 damaged scraps presently (May 1998) used to reinforce the binding join (e+d+b+c+a) to form a fragment measuring 269×89 mm., part of 1 of 2 cols., 28 lines, from the edge of a leaf. The main manuscript contains *Vita s. Constantini* (B.H.G. 364). (*Antonio Manfredi*)

**Vat. lat. 276**, fols. 258v–260r, 260v21–30. *Sermones* (Ps.-Augustinus, *Sermo in die Pentecostes* [=Machielsen 1273]; Hieronymus, *Epist.* 121.6.15–19; “*Ex dictis Iohannis Chrisostomi*”). Saec. XII. Fols. 3r–258r (Ambrosius, *Expositio psalmi* 118) are in contemporary ordinary minuscule; a scribe trained to write Beneventan seems to have copied fols. 154r–258r. Fols. 1r–2v (= *Florilegium casinense* 1:175–76) are also written in contemporary ordinary minuscule, but the title (“*Sermo Sancti Seueriani episcopi*”) on fol. 1r is in contemporary Beneventan. *Bibl.*: A. Manfredi, *I codici latini di Niccolò V. Edizione degli inventari e identificazione dei manoscritti*, Studi e testi 359 (Vatican City, 1994), 52, 123. (*Antonio Manfredi*)

**Vat. lat. 556**. Iulianus Pomerius, *De vita contemplativa*, in ordinary minuscule saec. XI<sup>2</sup>. Seen throughout the text are the Beneventan punctuation system, some of the abbreviation symbols, and frequent use of the broken “c.” Fols. 96v10–12, 96v13 (“*tota*”) are in Beneventan. *Bibl.*: Manfredi, *I codici latini di Niccolò V*, 436. (*Antonio Manfredi*)

**Vat. lat. 3246**, offsets. *Unidentified text. Undetermined date. Scant remains of 5 scraps once used to reinforce the binding; average measurements of 1 scrap: 41×ca. 43 mm., parts of 6 lines. The main manuscript contains Cicero, Tusculanae disputationes in ordinary minuscule saec. IX.* (*Shane Butler*)

**Vat. lat. 5873**. Palimpsest (except for, *ut vid.*, fols. 25 and 32, 49 and 56, 97–104); the upper script contains Isidorus, *Etymologiae* 1–20.9.4 in ordinary minuscule saec. XII. Lower script is Beneventan, usually vigorously erased, from at least two different manuscripts:



- (i) (lower script especially visible on fols. 6, 15, 22, 26, 31, 51–52, 73, 74v, 76v) *Patristica* (*ut vid.*). Saec. XI. Written parallel or at right angles to the upper script; measurements of 1 folio (as constituted by fols. 26 and 31): 167×113 (161×98) mm., 17 lines surviving.
- (ii) (fols. 122, 127, 138, 143) *Missale* (Septuag.). Saec. XI ex. Written at right angles to the upper script. Measurements of 1 folio (fol. 127r continued on fol. 122v): ca. 240×167 (180×ca. 90) mm., ca. 19 lines surviving. (*Antonio Manfredi*)
- Vat. lat. 15083, cover. *Sermones*. Saec. XII<sup>2</sup>. 1 folio, 389×271 (310×192) mm., 2 cols., 31 lines. Presently (April 1999) serving as the cover for an inventory dated 1564 of the goods of the church of S. Maria de Castro S. Laurentii de Valle S. Michaelis (diocese of Ferentino). (*Leonard E. Boyle*)
- Vat. lat. 15331 (a miscellany of fragments). *Missale* (Pro peccatis [cum inf. act.]; Pro paenitente; In tempore mortalitatis; Pro mortalitate animalium; In cotidianis diebus). Saec. XI<sup>2</sup>. Bari type. A bifolium, cropped and numbered “1” and “10” in pencil, max. 312×max. 216 (268×194) mm., 2 cols. (width of complete column, 103 mm.), 28–29 of an estimated original 33 lines surviving. Presently (June 1999) serving as the cover of an inventory dated 17 March 1443 of the goods of the Chiesa Collegiata di S. Matteo, Bisceglie. Acquired in 1995. (*Leonard E. Boyle*)
- S. N. *Missale* (Fer. 2–3 hebd. 2 Quadr.). Saec. XII<sup>2</sup>. Upper part of 1 folio, damaged on the flesh side (verso), 152×225 (135×197) mm., 2 cols., 14 lines surviving. Formerly serving as the cover of a small volume; written on the flesh side is the entry “Decreta / 1<sup>a</sup> et 2<sup>a</sup> Congr. / 1<sup>a</sup> editio. / 1568.” Acquired in March 1997. (*Leonard E. Boyle*)

## VELLETRI

Archivio Notarile: 347 (formerly 373), cover. Augustinus, *Sermo* 72 A (CPL 0284; *Miscellanea agostiniana* 1:160.4–161.35). Saec. XI ex. 1 folio, damaged on the flesh side (recto), 383×274 (288×191) mm., 2 cols., 30 lines. Presently (January 1997) serving as the cover of a volume of notarial records for the years 1569–1601 (*not.* Pompeius de Paulis, active at Velletri). *Bibl.*: F. Nasella, *Frammenti di manoscritti dell'Archivio Notarile di Velletri* (Università degli Studi di Roma, Facoltà di Lettere e Filosofia, Istituto di Paleografia, Anno accademico, 1982/83, Tesi di laurea), 67–69 (under the shelf mark “Fram.n. 347 [già 373]”) and plate 2. (*Assunta Gori*)

## VENICE

**Biblioteca Nazionale Marciana** (Our knowledge of these items is owing to *dott. Gabriele Mazzucco*.)

**Zan. lat. 278 (1785)**, front and back flyleaves. Missale, cum neumis (Missae votivae [back flyleaf: Pro seipso <sacerdote>]). Saec. XII. 2 folios, each folded in two and bound sideways, ca. 209×143 (ca. 168×102), 20–22 long lines. The main manuscript, which contains logical treatises in fifteenth-century writing, formerly belonged to Cardinal Bessarion (paper label pasted to inside front cover).

**Marc. lat. XIV 58 (4272)**, pastedowns. Vetus Testamentum (Num 33:34–48, 49–34:2; Deut 2:23–30, 30–3:2). Saec. XII<sup>2</sup>. 2 folios, trimmed with a resulting loss of text and pasted to the front and back inside covers, 298×217 (267×190) mm., 2 cols., 28 of 31 lines surviving. From the same manuscript as Gorizia, Biblioteca del Seminario Teologico Centrale, Sezione antica 4 a 9, pastedowns (Brown II, 600). Ex libris and provenance of Marc. lat. XIV 58 (4272) (Sixtus Medices, *Stromata*, saec. XVI [1544]): (paper label pasted to fol. i<sup>v</sup>) SS. Giovanni e Paolo, Venice; (fol. ii<sup>v</sup>) “Fratris sixti medices Veneti ordinis / praedicatorum / Theologorum minimi.”

**Marc. lat. XIV 341 (12999)** (a miscellany of fragments), **frag. 12**. Gregorius Magnus, *Moralia in Iob* 12.41–45. Saec. XII/XIII. Lower part of a large folio, damaged on the flesh side (recto), 229×317 (156×233) mm., 2 cols., 18 lines surviving. Formerly serving as the cover of a printed book (153.C.107: Claudius Guillaudus, *In canonicas apostolorum septem epistolas collatio* [Paris, 1548]).

**Marc. ital. IX 11 (6270)**, flyleaf and pastedown. The main manuscript contains Armannino giudice, *Fiorita d'Italia* and was copied in 1456 (fol. 142v: “Explicit liber Florite editus per dominum Armaninum de Bononia sub Mcccxxviiiij. Scriptus Albeti sub anno domini Mcccclvi iiij<sup>e</sup> Ind.”). Provenance: (fol. i<sup>v</sup>) “An(u?)g Cristoforus / D(?)usius”; (paper label pasted to fol. i<sup>v</sup>) “Tommaso Giuseppe Farsetti.”

(i) Unidentified text. Undetermined date. 1 folio, presently (June 1998) serving as a front flyleaf and bound upside down; 290×222 mm. Apparently written on one side only, the text is almost completely hidden by a paper pastedown. Parts of 4 barely legible lines in Beneventan are visible through the tears in this pastedown.

(ii) Vetus Testamentum (Job 4:14—at least 5:16). Saec. XIII. 1 folio, dirty and stained, pasted to the inside back cover; 285×194 (260×ca. 155) mm., 2 cols., 24 lines. Hair side (recto, ending with Job

5:7) is uppermost. Enough of col. b on the verso is seen to ascertain that the text continues to at least Job 5:16.

**Inc. V 593**, binding fragments. Missale, cum neumis. Saec. XII. 13 narrow strips of various lengths are used to reinforce the central bifolium of 11 quires of a printed book (Robertus Caracciolus, *Sermones quadragesimales*, in Italian [Venice, 1475]). Most of the strips are heavily damaged; they come from at least 4 folios, and the text of 5 strips has been identified:

(calendar)

(a) Benedictus-Resurrectio Dni—(quire *m*) upper strip, 107×19 mm., parts of 7 lines.

(b) Kal. Nov.; ?—(quire *g*) upper strip, cut horizontally from a bifolium, 13×115 mm., 1 line and 13×70 mm., part of 1 line.

(mass texts)

(a) Dom. 1 Quadr. (Tr. V)—(quire *m*) lower strip, 133×20 mm., parts of 5 lines, from the lower part and outer edge of a leaf+(quire *b*) 228×16 mm., parts of 9 lines, from the lower part of the same leaf.

(b) Fer. 5 p. Dom. 1 Quadr. (Or.-Evang.)—(quire *e*) 229×17 mm., parts of 13 lines, from the lower part of a leaf.

Ex libris and provenance of the main manuscript: (inside front cover) “antoni vaj \_\_\_\_j”; (fol. i<sup>v</sup>) “Illust.<sup>mo</sup> .s.<sup>or</sup> mio Lo Ill<sup>mo</sup> .s.<sup>or</sup> / Alfonso Castrioto Marchese / de Atripalda ac vicerre (-re- *canc.*) / cisario Apulie et terre Idronti / mio patre multo honor(ato)”; (fol. 93v) “Capue 1479”; (inside back cover, top, in black ink) “a. 1914”; (paper label pasted to outside corner) “Venezia / Luigi fu Gennaro Favai / Libraio Editore / 193 - Merceria dell’Orologio - 193.”

**VEROLI** (For a more complete description of all the fragments listed below, see V. Brown, “Beneventan Script and Liturgy at Veroli” [forthcoming].)

**Archivio Capitolare** (Our knowledge of these items is owing to dott. Paolo Scaccia Scarafoni.)

S. N. Vita s. Valentini ep. Interamnensis (B.H.L. 8460). Saec. XII<sup>2</sup>. A rectangular scrap, damaged and stained on both sides, 109×78 mm., 1 of 2 cols., parts of 5 lines, from the lower part of a leaf. Presently (June 1998) kept in a folder labelled “Cartella ‘Pergg. restaurate.’”

S. N. Sacramentarium alphabeticum (Orationes cotidianae et uespertinales). Saec. XI<sup>1</sup>. 2 apparently textually consecutive leaves, damaged, stained and mutilated, are sewn together with flesh side facing hair side; presently (June 1998) serving as the partial cover of a register (“Introite in granaglie ecc. della Cattedrale anno 1366”). Respective

measurements: (upper piece) 291×132 (220×106) mm., 22 lines; (lower piece) 298×140 mm., parts of 22 lines.

**Biblioteca Giordiana:** MS. 21 (42–1–20), binding fragments. 10 heavily damaged strips used to reinforce the binding between fols. 3v–4r, 4v–5r, 16v–17r, 17v–18r, 33v–34r, 39v–40r, 47v–48r, 55v–56r, 61v–62r, and 84v–85r contain the scant remains of an unidentified text in Beneventan (date undetermined). Measurements of the most legible strip (between fols. 61v and 62r): 195×10 mm., parts of 32 (?) lines. The main manuscript, in fifteenth-century writing on paper, contains anonymous grammatical texts in Greek (fols. 1r–4v, 92v), the *Grammatica* of Theodore of Gaza (fols. 5r–89r), a letter of Philip of Macedon to Aristotle (fol. 93r, Greek with a Latin translation), and a letter of Alexander the Great to Aristotle with Aristotle's reply (both in Greek, fol. 93v). *Bibl.*: V. Brown, L. Buono et al., *Catalogo dei più antichi manoscritti della Biblioteca Giordiana di Veroli* (Rome, 1996), 98–99. (Patrizia Danella)

**Paolo Scaccia Scarafoni Collection:** S. N. Iustinianus, *Institutiones* III.19.14–20.4, III.26.10–27.7. Saec. XI<sup>1</sup>. A damaged and stained bifolium, once the second outermost of a quaternion, and 1 strip which joins with the mutilated conjugate of the bifolium to form an almost complete leaf; measurements of the complete leaf: 310×213 (230×132) mm., 27 lines. Formerly serving as the cover of a volume of notarial records which has yet to be located; see the entry added by a later non-Beneventan hand on fol. 2v: "Protocolla et instrumenta 9. N. Iohannis Baptiste / Manuelis carte n.º 146 li. .1.(?) Instru/mentorium n.º 252" (*not.* Giovanni Battista Manuelli, active at Veroli 1470–1519). Given by Pio Fiorilli (*notaio* at Veroli) to Camillo Scaccia Scarafoni. (Paolo Scaccia Scarafoni)

#### WACO (Texas)

**Baylor University, Guy Crouch Music and Fine Arts Library:** Jennings Collection 2. Missale, cum neumis (Lucae–Germani). Saec. XII in. 1 folio numbered "ccxxviii," 267×178 (195×ca. 110) mm., 29 lines. Acquired in 1935 from Mrs. J. W. Jennings. For other fragments from the same manuscript, see p. 370 above under RIVERSIDE. (Thomas Forrest Kelly)

#### ZADAR

**Franjevački samostan sv. Frane**

MS. D, fol. XXIII<sup>v</sup>. Patristica (?). Saec. XII<sup>2</sup>. A scrap presently (Feb-

ruary 1997) used to repair the edge of a leaf, 22×35 mm., parts of 4 lines.

MS. G, offset. *In an antiphoner in Gothic writing there is an offset in Beneventan saec. XII (ut vid.) on fol. 95v: 43×20 mm., parts of 6 lines (Patristica?).*

#### APPENDIX

##### Addenda and corrigenda to *The Beneventan Script* and Brown I, II, III

ALTAMURA, Archivio Capitolare. The Beneventan fragments described in Brown II, 587, are presently (April 1997) kept (together with the new fragments described on p. 334 above under ALTAMURA) in a yellow folder labelled (in pencil) "Anno 1987. Ci sono pergamene con scrittura e musica beneventana (di grandissimo valore e interesse storico). don Oronzo Simone."

BARI, Archivio di S. Nicola 3. Breviarium in Gothic writing. Remains of an offset from a Breviarium in Beneventan saec. XII are seen in the inner margin on fol. 14v: 5×30 mm., part of 1 line ("modo inquit \_\_" = Gen 27:20 "<quo>modo inquit t(am)"?). This offset comes from the same manuscript as the fragments used to repair the binding in Bari, Archivio di S. Nicola 8 (Brown II, 590), for which see below (fols. 129r and 138v [offset], 138v [tiny fragment], 149v and 158r, bottom of 197v and 202r).

4 (Brown II, 589–90, and III, 341). When the codex was restored in 1995–96 by Miglio (Rome), the Beneventan fragments were removed; they are now kept separately in an envelope (*Gerardo Cioffari*). For the identification of the text as a Breviarium and additional fragments from the same manuscript, see the description immediately following.

8 (Brown II, 590). The two fragments used to repair the binding at the top of "fols. 197v–198r" and the bottom of "fol. 197v" actually reinforce, in both cases, the binding of fols. 197v and 202r (outermost bifolium of a ternion) and measure respectively 35×45 mm., parts of 3 lines of musical text and 45×29 mm., parts of 5 lines. The upper scrap on fols. 197v and 202r contains a Breviarium in Bari-type Beneventan, saec. XII. New fragments from the same Breviarium have been found by *Rosa Salvati*; they reinforce the binding at the top of two quinternions in MS 8: fols. 253v and 262r, 38×48 mm., parts of 2 lines of musical text (Nat. Dni); fols. 273r and 282v, 33×62 mm., parts of 2 lines of musical text. Other membra disiecta from the same Breviarium are the fragments in Bari, Archivio di S. Nicola 4, fol. 55r and detached fragment (Brown II, 589, and III, 341, described there as an Antiphonale since only the musical text is preserved). The lower scrap on fols. 197v and 202r contains Lc 11:9–11 in Bari-type Beneventan, saec. XI ex. *Rosa Salvati* reports new fragments from the same manuscript which reinforce the binding at the top of two quinternions in MS 8: fol. 138v, 11×27 mm., parts of 2 lines (Lc 11:5 ?) pasted over the re-

- mains of an offset on fols. 129r and 138v, ca. 34×50 mm., parts of 4 lines (Lc 11:11–13); fols. 149v and 158r, 49×ca. 28 mm., parts of 6 lines (Lc 11:10–11).
- , Biblioteca Nazionale 70 O 1/1-2 (Brown II, 590): now S. N. (iiii) (olim 70 O 1.1-2) (*Rosa Salvati*). There are two ex libris in the printed volume: (fol. 1<sup>r</sup> [verso of front flyleaf]) “Lasciato al luogho de capp.<sup>i</sup> (*ut vid.*) / di Trigg.<sup>o</sup> da don Bened.<sup>o</sup> \_\_\_\_\_ / Trigg.”; (title-page) “del / luogho de capucc<sup>i</sup> / de Trigg.” The fragments have been removed and are now kept in a folder along with the other Beneventan fragments cited as “S. N.” in Brown II, 590–91.
- 70 Z 908 (olim 161 G 1) (Brown III, 304): now 70 G 44 (olim 161 G 1). (*Rosa Salvati*)
- BIRMINGHAM, Kenneth W. Humphreys Collection S. N. (Brown III, 305): now University of Birmingham, University Library, Special Collections Department: Humphreys Fr 45. Bequeathed by Kenneth W. Humphreys († 1994). (*Christopher de Hamel, Philippa Bassett*)
- CAPUA, Biblioteca Arcivescovile VI F 31 (Brown II, 594). The volume was restored and rebound in the 1990s. Presently (June 1998) missing are the two strips from a Breviarium (s. Stephani) which were kept loose in the codex in May 1986; fols. 2r–5r (Officium s. Mariae de Nivis) and fols. 45r–147r (Antiphonale) have been renumbered as fols. 2r–6r and fols. 11r–105r respectively. See V. Brown, “Frammenti beneventani a Capua (Biblioteca Arcivescovile e Museo Provinciale Campano),” *Capys* (forthcoming).
- VI F 34 (Brown II, 594). Presently (June 1998) missing is the lower part of 1 folio containing Vitae sanctorum (Agapiti [B.H.L. 126]; Magni [B.H.L. 5174]) which was kept loose in the codex in May 1986. For the upper part of the same folio, see p. 337 above under CAPUA and Brown, “Frammenti beneventani a Capua.”
- CHICAGO, Newberry Library 36a. This item, reported as missing in Brown I, 279, and III, 342, was located in February 1997; the new shelf mark is MS 163. The leaf (Cosmae et Damiani–Lucae) is numbered “cxxxvii” and immediately precedes the leaf described on p. 382 above under WACO. (*Paul H. Saenger*)
- COLORADO SPRINGS (Colorado), Mark Lansburgh Collection S. N. (Sacramentarium) (*The Beneventan Script*, 35). In December 1978 the leaf was presented by Mark Lansburgh as a joint gift to the University of California, Santa Barbara, and to Dartmouth College. It is kept at the Dartmouth College Library, Hanover (New Hampshire), under the shelf mark “Lansburgh 9.” The contents can now be described more precisely: Missale (Dom. 5 p. Pasch.–Fer. 3 in rogat.). (*Philip N. Cronenwett*)
- DUBROVNIK, Biblioteka Druzbe Isusovaca S. N. (Brown II, 594): now (February 1997) in Zagreb, Znanstvena knjižnica “Juraj Hrabdelić,” where it has been deposited for safekeeping for an indefinite period of time.
- GENEVA, Bibliothèque Publique et Universitaire Comites latentes 224 (Brown II, 599, and III, 343)+ 272 (Brown III, 312). Augustinus, Tractatus in Iohannem 10.12, 13, 11.2. Saec. XI. A new scrap, now Comites latentes 290, contains Augustinus, Tractatus in Iohannem 10.10, 12 and measures 40×74 mm., 1 of 2 cols., parts of 5 lines; this fragment was given to the present owner by Dr.

Martin Schøyen who acquired it at the Sotheby's sale of 21 June 1994 (lot 5) (Brown III, 349).

HANOVER (New Hampshire), Dartmouth College, Dartmouth College Library S. N. (*The Beneventan Script*, 47): now MS Lansburgh 10. (*Philip N. Cronenwett*)

HERISAU, Paolo Francesco d'Aloisio Collection S. N. (Brown III, 313): now Oslo—London, The Schøyen Collection MS 2785. Acquired at the Christie's sale of 2 June 1999 (lot 21).

KARIN, Franjevački samostan Ink. 2, cover (Brown II, 620 under Zadar, Historijski Arhiv, and III, 343): the monastery was destroyed in the bombardments of 1993 and 1994; the archive of the monastery in which the fragment had been placed was stolen and removed from Croatia. At present nothing is known of the current location of the archive or the Beneventan fragment. (*Stanko Bačić*)

KLAGENFURT, Studienbibliothek Perg. Hs. 48 (*The Beneventan Script*, 48): now Universitätsbibliothek Perg. Hs. 48. (*Harald Jens Anderson*)

KOTOR, Franjevački samostan Sv. Klare, Cod. I and Cod. II (*The Beneventan Script*, 48–49): Cod. I (1 folio, now identified as a fragment of a homiliarium containing Haymo, Homilia in Marcum 8:1–9 [Barré, 204, no. 55=Liverani edition, 420–21] and Origenes, Homilia 4 in Matthaeum [Mt 7:15–21], revised date saec. XI in.) and Cod. II (1 folio, now identified as Iohannes Chrysostomus, De proditiōe Iudae 30 [=pp. 103–4 of 1530 Basel edition], revised date saec. XI). These fragments were acquired by the late Jeremy Griffiths (†1997) between 1989 and 1992 as part of an exchange for two incunabula published by Andrija Paltašić. The fragments were later sold to a North American collector. Included as lot 7 in the Sotheby's sale of 23 June 1998 (*Western Manuscripts and Miniatures to be Sold with the Burdett Psalter*, p. 13 [description] and plates on pp. 12 [Cod. II, legible side] and 13 [Cod. I, verso]), these fragments are now London, The McCarthy Collection S. N. The other folio comprising Cod. II is still at the Franjevački samostan Sv. Klare and retains the same shelf mark; the legible side (recto) contains Augustinus, Tractatus in Iohannem 55.6–7, and the same text continues on the verso, with a new text beginning ca. line 10.

L'AQUILA, Biblioteca Provinciale Cinq. A 306, A 318, A 326, A 555, A 757, A 768, B 152, C 194 (Brown III, 314). The volumes were restored in 1995 by G. Di Giacomo & Figli SNC, Pescara, and the binding fragments removed; they are now kept separately. 22 of the 24 fragments in Beneventan were available for consultation in May and June 1998, and they are described as follows to the extent that their damaged state allows.

Cinq. A-318 (Antoninus ep. Florentinus, *Confessionale* [Pesaro, 1511]). Ex libris (fol. 1r): "Comune Di Calascio" (stamp). Antiphonale (Fer. 2 de Passione-Dom. in Palmis; Fer. 2–4 Hebdom. Maioris). Saec. XIII<sup>2</sup>. A bifolium, damaged and mutilated so that only a stub survives of the conjugate leaf; the complete leaf measures 326 × ca. 223 (ca. 220 × 166) mm., 11 lines of musical text. Now (June 1998) kept in a white cardboard folder labelled "Legatura Membranacea (da codice musicale) / appartenente al prog. n° 22/94 (Cinq. A-318)."

Cinq. A-326 (Johannes Raulin, *Sermones dominicales* [Paris, 1542]). Ex libris (title-page): "Ad usum fratris Andr(eae) \_\_\_\_\_ verpae" and "Comune Di Calascio" (stamp). 5 scraps, of which 3 are in Beneventan; the fourth scrap is in Gothic; the fifth scrap has no writing. The 3 Beneventan scraps come from 2 different manuscripts:

- (i) Antiphonale (Fer. 3–Fer. 5 hebdomadae. 2 Quadragesima). Saec. XII ex. (?). 2 vertical strips, perhaps from different leaves; respective measurements of the strips are 73×24 mm., 1 musical line of text, from the lower part of a leaf, and 92×25 mm., 4 musical lines of text. The fifth scrap mentioned above is likewise a vertical strip, and the aspect and quality of the parchment suggests that it probably comes from the same manuscript.
- (ii) Breviarium (Fer. 6 in Parasceve–Sabb. Sancto). Saec. XII (*ut vid.*). A very damaged strip, 35×115 (width 76) mm., 6 lines (flesh side [recto]). Three more fragments from the same manuscript were removed from Cinq. A-768 (see immediately below).

Cinq. A-768 (Jacobus de Voragine, *Sermones aurei et pulcherrimi de tempore per totum anni circulum* [Paris, 1533] and *Sermones quadragesimales* [Paris, 1533]). Ex libris: (fol. iii<sup>r</sup>) "de S. Angelo d'ocra"; (first title-page) "de S. Angelo d'ocra B.<sup>o</sup> 5.<sup>o</sup>" and "Ad usum fratris gabrielis fonticularij. quem ego Rome .7. carolariis emi. Anno domini 15.6.5"; (last original flyleaf, verso) "de S. Angelo d'ocra." Breviarium (Fer. 6 in Parasceve–Sabb. Sancto). Saec. XII (*ut vid.*). 3 scraps, 2 of which join to form a single fragment from the outer edge of a leaf: 33×62, parts of 7 lines. The remaining scrap, 61×110 mm., parts of 13–14 lines, appears to come from the same leaf. For other fragments from the same manuscript, see Cinq. A-326 (ii) described immediately above.

Cinq. B-152 (Johannes de Turrecremata, *Summa de ecclesia* [Venice, 1561]). Ex libris (title-page): "Comune Di Calascio" (stamp). 8 scraps kept separately in an envelope labelled "Frammenti membranacei appartenenti al Prog. n° 21/94 (Cinq. B-152)."

- (i) Breviarium secundum consuetudinem romanae ecclesiae (Comm. unius mart.–plur. mart.). Saec. XIII<sup>2</sup>. 4 scraps join to form 2 consecutive leaves; average measurements of 1 leaf: 90×88 mm., 13 lines.
- (ii) Breviarium. Saec. XII<sup>2</sup>. 4 damaged scraps which appear to join and form a fragment measuring (max.) 80×130 mm., parts of 16 lines.

Cinq. C-194 (Johannes Baptista Carellus, *Ephemerides ad annos XVIII* [Venice, 1563]). Ex libris (title-page): "Ad usum D. Theodulphi Liroy Beningassi"; "Ex Bibliot. Murron."; "Biblioteca Arui\_\_\_\_." 4 scraps kept separately in an envelope labelled "Frammenti Membranacei appartenenti al Prof. n° 23/94 (Cinq. C-194)." Breviarium (De psalmista). Saec. XIII. The scraps come from at least 2 different leaves; 2 scraps join to form a horizontal strip, 42×176, parts of 6 lines.

LONDON, Sotheby's sale of 5 December 1994, lot 88 (Brown III, 349): now Oslo—London, The Schøyen Collection MS 1981 (*Martin Schøyen*). See V. Brown, "Latin and Italian Prayers in a Sixteenth-Century Beneventan Manuscript from



Santa Patrizia, Naples" (forthcoming).

LONDON/OSLO, The Schøyen Collection S. N. (Brown III, 349): 17 fragments, many of them damaged, from 9 manuscripts; acquired at the Sotheby's sale of 21 June 1994 (lot 5). One of these fragments is now Geneva, Bibliothèque Publique et Universitaire Comites latentes 290 (described on pp. 384–85 above).

Descriptions of the other 16 fragments are provided below:

MS 64 (Brown II, 602 [x] and Brown III, 345). Homiliarium. Saec. XII (revised date). 3 new scraps, of which 2 (Gregorius Magnus, Homiliae in evangelia 36.6, 7, 8) come possibly from the same leaf and measure ca. 40×76 mm. each, part of 1 of 2 cols., 5–6 lines; the remaining scrap (Hieronymus, Epistula 121.5–6; Augustinus, Sermo 86) measures 34×40 mm., part of 1 of 2 cols., 4 lines. For other fragments of the same manuscript, see p. 359 above under NAPLES, Biblioteca Nazionale VI B 4.

MS 67 (Brown II, 601 [iii], and III, 346). Homiliarium. Saec. XI<sup>2</sup> (revised date). 1 new scrap (Ps.-Augustinus, Sermo App. 186.1), 65×ca. 125 mm., 1 of 2 cols., 3 lines, from the lower part of a leaf. For other fragments of the same manuscript, see pp. 361, 363–64 above under NAPLES, Biblioteca Nazionale VI B 10 (ii), VI C 10, and XV AA 2.

MS 1780 (Brown III, 318). Hymnarium. Saec. XII/XIII. 1 new scrap, 43×65 mm., parts of 6 lines, from the edge of a leaf.

MS 1855/1. Antiphonale (Martini). Saec. XIII. 2 scraps join to form a fragment measuring 139×ca. 139 mm., parts of 6 lines of musical text, from the upper part of a leaf.

MS 1855/2. Breviarium, cum neumis (Sabb. Sancto). Saec. XII. 3 scraps join to form a fragment measuring ca. 75×(estimated) 181 mm., 2 cols. (width of complete col. ca. 65 mm.), parts of ca. 8 lines.

MS 1855/3. Vetus Testamentum (Ps 118:119–120). Saec. XII. 1 scrap, legible on one side only, 66×36 mm., parts of 9 lines.

MS 1855/4. Vetus Testamentum (Pss 61:8–10, 62:3–5). Saec. XII<sup>2</sup>. 1 scrap, 33×87 mm., parts of 5 lines. Another fragment of the same manuscript is Geneva, Bibliothèque Publique et Universitaire Comites latentes 216 (Brown II, 599 [ii]).

MS 1855/5. Augustinus, Tractatus in Iohannem 123.4, 5. Saec. XII ex. 3 scraps, the largest of which measures 29×109 mm., 1 of 2 cols., parts of 4 lines. Another fragment of the same manuscript is Toronto, Virginia Brown Collection MS. 2 (Brown III, 339).

S. N. Unidentified text. Saec. XII ex. (?). 1 scrap, legible on one side only, 45×27 mm., scant remains of at least 4 lines.

MALIBU (California), J. Paul Getty Museum, Ludwig IX 1 and XI 4 (Brown II, 622): all the manuscripts belonging to the J. Paul Getty Museum have been transferred to the new Getty Museum complex in Los Angeles. (*Thomas L. Kren*)

MONOPOLI, Archivio Unico Diocesano B 27, binding fragments (*The Beneventan Script*, 58): 5, not 3, strips once reinforced the binding of this volume. One of the new strips, 50×218 mm., does not exhibit any writing; the other new strip,

damaged and now (January 1997) detached with an offset left on the spine, measures 58×203 mm., 2 cols., parts of 6 lines and contains *Vitae sanctorum* (Sergii et Bacchi [B.H.L. 7599?]; Hilarionis [B.H.L. 3879]). The three strips described simply as "Passionarium" in *The Beneventan Script*, 58, also contain *Vita Sergii et Bacchi*. The 2 uppermost strips join with the detached piece to form a fragment measuring 177×205 mm., parts of 18 lines. Another fragment of the same manuscript is described on p. 358 above under MONOPOLI, Archivio Unico Diocesano S. N.

MONTECASSINO, Archivio della Badia: 44 (Burchardus Wormaciensis, *Decretorum libri* 1–20, in ordinary minuscule saec. XI). There is a marginal note in contemporary Beneventan ("Etsi ieiunare potest") on p. 265. (Roger E. Reynolds)

188, binding strip between pp. 224 and 225. *Vitae sanctorum* (*ut vid.*). Saec. XI ex. 16×235, parts of 2 cols. (width of complete col. 92 mm.), 2 lines, from the edge of a leaf (BMB 4:5). (Sabina Magrini)

190, binding strip between pp. 4–5. *Vitae sanctorum* (Chrysogoni [B.H.L. 1795; hair side]; ?). Saec. XI/XII. 221×ca. 15 mm., 1 of 2 cols., parts of 22 lines, from the lower part of a leaf (BMB 4:5). (Valentina Longo)

196, binding strips between pp. 16–17 and pp. 196–199 (present order of main text: pp. 196, 199, 200, 197, 198). *Vetus Testamentum*. Saec. XI. From the same manuscript as the binding strips described immediately below and in Brown III, 346–47 (Montecassino, Archivio della Badia 152, 191, 200, 300, 354, 384, 391, 393, 439).

(a) Jer 34:20; 35:6–7; 35:15; 36:3 (= pp. 16–17; hair side [recto]). 16×264 mm., parts of 2 cols., 2–3 lines.

(b) Jer 35:15; 36:3–4 (= pp. 196–199; only the flesh side is visible). 169×13 mm., parts of 2 cols., 2 lines.

216, binding strip between pp. 208 and 209. *Vetus Testamentum* (Jer 50:26–29, 35–39). Saec. XI. 151×14 mm., parts of 15 lines, from the upper part of a leaf. Prof. Roger E. Reynolds reports that another binding strip formerly used in MS 216 is now (June 1997) missing between pp. 16 and 17; his microfilm of MS 216, made before the removal of the strip, shows that it contained Jer 50:26–29, 35–39, parts of 15 lines. The two strips join to form a textually consecutive fragment: (recto, flesh side) strip facing p. 208 + strip facing p. 17; (verso, hair side) strip facing p. 16 + strip facing p. 209. From the same manuscript as the binding strips described immediately above.

249, binding strips.

(a) A mutilated binding strip presently (May 1999) reinforces the first quire (pp. 1–16). Unidentified text. Undetermined date. 62×at least 17 mm., scant remains of 2 lines, from the edge of a leaf.

(b) A mutilated binding strip presently (May 1999) reinforces the last quire (pp. 289–304). *Breviarium* (*ut vid.*) (Invent. Crucis?). Saec. XII. At least 15×270 mm., 2 cols., at least 4 lines.

264, binding strip between pp. 272 and 273. Unidentified text. Undetermined date. 268×12 mm., scant remains of at least 20 lines (line-end only) visible on the flesh side (facing p. 272). No writing at all seen on the hair side (facing p. 273).

294, p. 1. A poem ("Carmen contra vinum") added in uncalligraphic Beneventan (BMB 6:5). (*Sabina Magrini*)

297, binding strip between pp. 248 and 249. Trace of one letter filled with orange; presumably in Beneventan.

386, binding strips between pp. 24 and 25, 72 and 73. Vetus Testamentum (Judith 8:26, 32; 9:2, 8–9). Saec. XI ex.. The two strips join to form a textually consecutive fragment measuring 52 × max. 217 (width ca. 170) mm., 2 cols., parts of 4 lines.

557, offsets and binding strip. Liturgica. Undetermined date.

(a) Offsets of a strip formerly reinforcing the outermost bifolium of quire 4 (pp. 51, 66: 30×274 mm., parts of at least 2 lines, possibly from a bifolium), quire 5 (pp. 67, 82: 205×30 mm., parts of 20 lines and 84×30 mm., parts of possibly 9 lines), quire 17 (pp. 251, 266: 190 × ca. 30 mm., parts of 20 lines and 75 × ca. 25 mm., traces of majuscule letter, reddish orange remaining in outer margin), quire 24 (pp. 363, 366: max. 247 × ca. 25 mm., parts of ca. 28 and ca. 13 lines), quire 34 (p. 522: 20×271 mm., 1 line, possibly from a bifolium), quire 40 (pp. 603, 618: 270 × ca. 20 mm., parts of ca. 20 and 8 lines).

(b) A strip reinforcing the outermost bifolium of quire 36 (pp. 539, 554): originally ca. 25×270 mm., at least 5 lines of text, from a bifolium). (*Greti Dinkova-Bruun*)

MUNICH, Erzbischöfliches Ordinariatsarchiv S. N. (Hyginus): now Fragment num 800. (*Peter K. Marshall*)

NAPLES, Archivio di Stato, Sezione amministrativa, Dipendenze della Sommaria, II<sup>2</sup> Serie, fasc. 53/91, cover (Brown III, 326–7): now Archivio di Stato, Museo 99/B/191.

—, Biblioteca Nazionale

VI AA 4 (Brown II, 624): some of the Beneventan strips used to strengthen the outermost bifolia of various quires can now be identified and described more fully:

(i) (fols. 1r, 8v) 210×70 mm., parts of 19 lines, from the top and outer edge of a leaf: 4 Reg 3:10–14+(fols. 207r, 214v, uppermost strip) 73×67 mm., parts of 7 lines: 4 Reg 3:14–16;

(ii) (fols. 199r, 206v) 359×28 mm., parts of 33 lines: Augustinus, Tractatus in Iohannem 26.5–6;

(iii) (fols. 207r, 214v) 106×145 mm., parts of 2 cols., 5 and 8 lines+113×70 mm., parts of 3 lines: Gregorius Magnus, Homiliae in evangelia 30.5, 6;

(iv) (fol. 260r) 72×78 mm., parts of 8 lines (unidentified text).

VIII AA 1, ff. 113vb.18–121v (Brown III, 328). Also in Beneventan is the contemporary title *Sermo Sancti maximi episcopi*. Beneventan punctuation (declarative and interrogative symbols) is used on many folios.

Vindob. lat. 10 (*The Beneventan Script*, 106). A scrap containing Eusebius, *Historia ecclesiastica* 2.13 §3, 15 §1 in Beneventan saec. XI has been used to repair the bottom of fol. 189r-v: 52×130 mm., parts of 3 lines, from the upper part and outer edge of a leaf. (*Greti Dinkova-Bruun*)

S. N. (Brown III, 328–30). In May 1998 *dott.ssa Angela Pinto* assigned the following shelf marks to these fragments (cited below according to the order in which they were described in Brown III):

- (i) Isidorus, *Etymologiae* 8.11.11–32: now Legature distaccate 21.
- (ii) Homiliarium (Augustinus, *Tractatus in Iohannem* 31.11; 28.1–3): now Legature distaccate 22.
- (iii) *Vitae sanctorum*.
  - (a) *Vita Iohannis ap. ante Portam Latinam* (B.H.L. 4321, 4319); *Invent. Michaelis archang.* (B.H.L. 5948): now Legature distaccate 23.
  - (b) *Passio Petri et Pauli* (B.H.L. 6668, 6659): now Legature distaccate 24.
  - (c) *Vita Aegidii abb.*: now Legature distaccate 25.
  - (d) *Vita Augustini ep. Hipponensis* (B.H.L. 792): now Legature distaccate 26.
  - (e) *Passio Hadriani et soc. mm. Nicomediae* (B.H.L. 3745): now Legature distaccate 27.

PENNE, Biblioteca del Convento di S. Maria di Collieromano S. N. (Brown III, 334): the fragment has been missing since 1993. (*Thomas Forrest Kelly*)

PESCOSTANZO, Gaetano Sabatini Collection Perg. 2 (*The Beneventan Script*, 118). The fragment (a bifolium containing the *Chronicon vulturnense*) was reported as missing in *The Beneventan Script*, 118; it was located at Rome in 1996 by *dott. Antonio Ciaralli*. Prof. Francesco Sabatini intends to present the fragment to Montecassino where it will then have the shelf mark: Archivio della Badia, Frammento Sabatini. (*Francesco Sabatini, Faustino Avagliano*)

ROME, Archivio dell'Abbazia di S. Paolo fuori le Mura S. N. (*The Beneventan Script*, 121). The four fragments, allegedly transferred to the Benedictine abbey at Farfa (Brown II, 624), could not be located there in 1989, 1995, and 1998. Six fragments were recently located by *dott.ssa Rita Cosma* at S. Paolo fuori le Mura and are presently (July 1999) kept in two large cardboard folders. The folders, which contain miscellaneous manuscript and archival material, do not have shelf marks. Three of the six fragments seen by *dott.ssa Cosma* were also examined by Virginia Brown in May 1974; the other three fragments may be new items or they may form part of the group of four fragments reported briefly by E. A. Lowe, "A New List of Beneventan Manuscripts," in *Collectanea Vaticana in honorem Anselmi M. Card. Albareda*, Studi e testi 220 (Vatican City, 1962), 233, and Brown I, 285 (who noted that three of the four fragments could not be located in 1974). Now apparently missing is the item described in Brown I, 269 as "Unidentified text. 'Saec. XII'. 1 badly mutilated folio in very poor condition, 1 col., c. 25 lines surviving." In the interests of clarity and convenience, we give below more detailed descriptions of the six Beneventan items, all without shelf marks, now known to be at S. Paolo fuori le Mura:

(folder I—seen by Virginia Brown in 1974)

- (i) Augustinus, *Tractatus in Iohannem* 44.1–3. Saec. XI. Part of 1 folio, 205×208 mm., 2 cols. (width of 1 col. 87 mm.), 21 lines surviving (hair side [recto]). (Brown I, 269, and *The Beneventan Script*, 121: “*Commentarius in Iohannem*”).
- (ii) *Vitae sanctorum* (Hippolyti [B.H.L. 3961, *cum expl. diverso*]; Cassiani ludimagistri [B.H.L. 1625]; Assumpt. B.V.M. [B.H.L. 5355 d]). Saec. XII. Larger part of 1 folio, mutilated and damaged, 332×278 (329×ca. 250), 2 cols., 32 lines surviving (hair side [recto]).
- (iii) *Missale* (Nat. Iohannis Baptistae). Saec. XIV. 1 folio, trimmed at the bottom, 313×ca. 288 (ca. 277×172) mm., 2 cols., 20 lines (flesh side [recto]).

(folder II)

- (iv) *Breviarium, cum neumis* (Martini; Caeciliae). Saec. XII. 1 folio, 206×142.5 (width 128) mm., 30 lines surviving (flesh side [recto]). (Possibly the item described by Lowe, “New List,” 233, as “*Breviarium*. ‘Saec. XII’. One folio.”)
- (v) *Missale* (Fer. 2–3 hebdomadae, 4 Quadragesima). Saec. XII. 2 fragments join to form part of a leaf measuring 155×217 (136×193) mm., 2 cols., 15 lines (hair side [recto]). (Possibly the item described by Lowe, “New List,” 233, as “*Breviarium*. ‘Saec. XII’. 2 mutilated folios.”)
- (vi) *Psalterium* (Pss 79:16–80:7; 80:14–82:4; 82:7–83:5; 83:8–84:10). Saec. XIII. Upper part of a mutilated and severely damaged bifolium, formerly the innermost of the quire, ca. 170×ca. 130 mm., at least 21 lines. (Possibly the item described by Lowe, “New List,” 233: “*Breviarium*. ‘Saec. XII<sup>2</sup>’. A bifolium, much worn.”)

ST. PETERSBURG, Hermitage Museum, Department of Western European Drawing, MS. 29 (Brown III, 338): the correct shelf mark is MS. 23 (according to a communication received in December 1996 from *Prof. Roger E. Reynolds* who examined the fragment in situ).

SPLIT, Rizićnica Katedrala, Kaptolski Arhiv D 621 (*The Beneventan Script*, 136): fragments from perhaps three Beneventan manuscripts are used for purposes of repair on fols. 7–44, 46–68, 70, 75, 91, 159, 160, 170, 171, 183, 189; they were discovered in October 1999 by *Prof. Richard F. Gyug* who will provide a full description, with study, in a forthcoming article.

TROGIR, Rizićnica Katedrala, Kaptolski Arhiv: 1 scrap in MS. 15 (fol. 16v) (Brown, II, 618 [iv] ‘*Patristica*’): plausibly identifiable as Beda in *primam partem Samuhelis* 2.11.11 (CCL 119:97.1236–38). (*Neil J. Roy*)

VATICAN CITY, Biblioteca Apostolica Vaticana: Cartelle S. Erasmo XIII b 3. This document contains the 1336 inventory of the books of the church of S. Maria Magdalena, Veroli (transcribed in *The Beneventan Script* 1:38, with no indication of shelf mark). Cartelle S. Erasmo XVIII a 12 contains an inventory of 19 June 1377 for the same church in which only three books in *scriptura longobarda* (“*Item duos libros cum lictera longobarda*”; “*Item unum breuiarium anti-*

cum de nocte notatum cum littera longouarda”) are mentioned. (*Paolo Scaccia Scarafoni*).

VEROLI, Biblioteca Giovardi 1 (*The Beneventan Script*, 170–71): written saec. XIII<sup>1</sup> (between 1219 and 1239); see C. Lepore, “L’Église de Bénévent des origines au VII<sup>e</sup> siècle,” in T. F. Kelly, ed., *La Cathédrale de Bénévent* (Ghent, 1999), 52

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